

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Lynda Tillman,

Plaintiff(s),

vs.

Colony Brands, Inc, Robert Erb, Steve
Cretney, Joe Hunter, Gene Curran, Brianna
“Doe”, Kevin Loftus and Kathy Loftus,

Defendant(s).

C/A NO.: 3:24-cv-06484-MGL-SVH

COMPLAINT
(Jury Trial Requested)

The Plaintiff, by and through her undersigned counsel, for a Complaint against the Defendants, does hereby respectfully allege as follows:

1. On October 4, 2021, Plaintiff Lynda Tillman went to one of Defendant Colony’s websites to purchase an item she had seen on a Defendant Colony advertisement (mailer/flyer) under the brand “Country Door” that had been sent to Lynda’s address where she was living in Lexington, South Carolina.

2. Lynda set up an account online with Country Door, which is essentially a brand name to sell “country style” home furnishings that is owned and controlled by Defendant Colony, and used her own personal identifying information, including address, telephone number, SSN, credit/bank card number and other items that were all accurate, truthful and belonging to Lynda.

3. Through its own neglect, Colony linked Lynda’s 100% legitimate account to the account of the previous residents at the apartment in Lexington where Lynda was now living.

4. As a result of this improper linking of accounts, the previous residents of that same apartment, Defendants Kathy Loftus and her husband, Kevin Loftus, received an email from Defendant Colony, but using the name Country Door, notifying her/them of the purchase of a wicker basket storage shelving unit.

5. Defendant Kathy Loftus received this email when Plaintiff Lynda Tillman made a 100% legitimate and legal purchase from Colony of this wicker basket shelving unit.

6. Kathy Loftus's credit card was not charged, she did not lose any money and she was in no way harmed financially other than simply receiving an email in error saying a shelving unit was going to be delivered.

7. On October 5, 2021, upon receiving this erroneous email, Kathy Loftus called Colony and immediately and improperly assumed that she was somehow the victim of fraud rather than simply asking if this order was correct, was it an error or some other harmless mistake...which, up to this point, that's all this was....a harmless error made by Colony.

8. After this phone call and still on October 5, 2021, Defendant Kathy Loftus and her husband Defendant Kevin Loftus, jointly and together, contacted the Lexington County Sheriff's Department and filed criminal charges against Lynda Tillman for Financial Identity Fraud and Financial Card Theft, totaling up to fifteen (15) years in prison.

9. As a result of the initiation of this criminal complaint, the Lexington County Sheriff's Department arrested Lynda Tillman for these felony charges on December 10, 2021.

10. Those were the only facts that Lynda Tillman was aware of when she filed suit initially against the Lexington County Sheriff's Department and Country Door on February 21, 2023.

11. As a result of that suit and the allegations contained in that suit, which were essentially only those as outlined above, Country Door asserted the defense of mandatory arbitration.

12. The claim against the Lexington County Sheriff's Department proceeded on and resulted in a mediated settlement in April of 2024.

13. Country Door and Lynda Tillman proceeded with their claim during the summer of 2023 in "*pre-arbitration informal discovery*" with the intent to mediate the case before the formal arbitration process began.

14. However, a more accurate description of that process would be that Lynda Tillman timely disclosed everything to Country Door and Country Door failed to produce anything of substance...until March 27, 2024, well more than a year after suit was filed, and only days before the scheduled mediation.

15. What was produced by Country Door was only a tiny portion of the items that Plaintiff had requested of Country Door and were just a few recordings of some phone calls and a few screenshot pages of the Colony “call log” for Plaintiff Lynda Tillman’s Country Door account, yet they told a great deal of what went on with Defendant Colony that Lynda had no idea had transpired.

16. What they showed initially, a cross-linking of the Loftuses’ account and Lynda’s account, was more along the lines of negligence or gross negligence on the part of Colony in not having in place proper policies and procedures to prevent the unintentional cross-linking of customer accounts, not training their employees to immediately recognize the potential for this, not training employees to de-escalate irate customers who may have thought they were defrauded and to not immediately investigate and rectify this kind of problem.

17. However, the documents that were not produced by Country Door until late March of 2024 showed much more egregious and even sinister conduct by Colony and its agents, from the lower-level Customer Service agents to all the way to the very top of Colony’s management.

18. The last-minute produced (just prior to mediation) documents showed not only that Colony immediately figured out and knew what had happened but that it was **not** fraud or any other type of wrongdoing on the part of Lynda Tillman.

19. Colony then went on an intentional and concerted effort to cover up their misconduct and throw Lynda Tillman under the bus by not only pushing to have her arrested and prosecuted

for outrageous felony criminal offenses but also by letting her hang in the wind and maliciously prosecuting her for months after she had been arrested and jailed.

20. The allegations contained in this **second Complaint** are an entirely different matter and different and/or additional Defendants than those alleged in the first Complaint.

21. They were completely unknown to Plaintiff until now (due to Country Door's delay) and clearly, explicitly and unequivocally were not part of any agreement with Lynda to arbitrate the dispute of this outrageous misconduct by Colony.

PARTIES

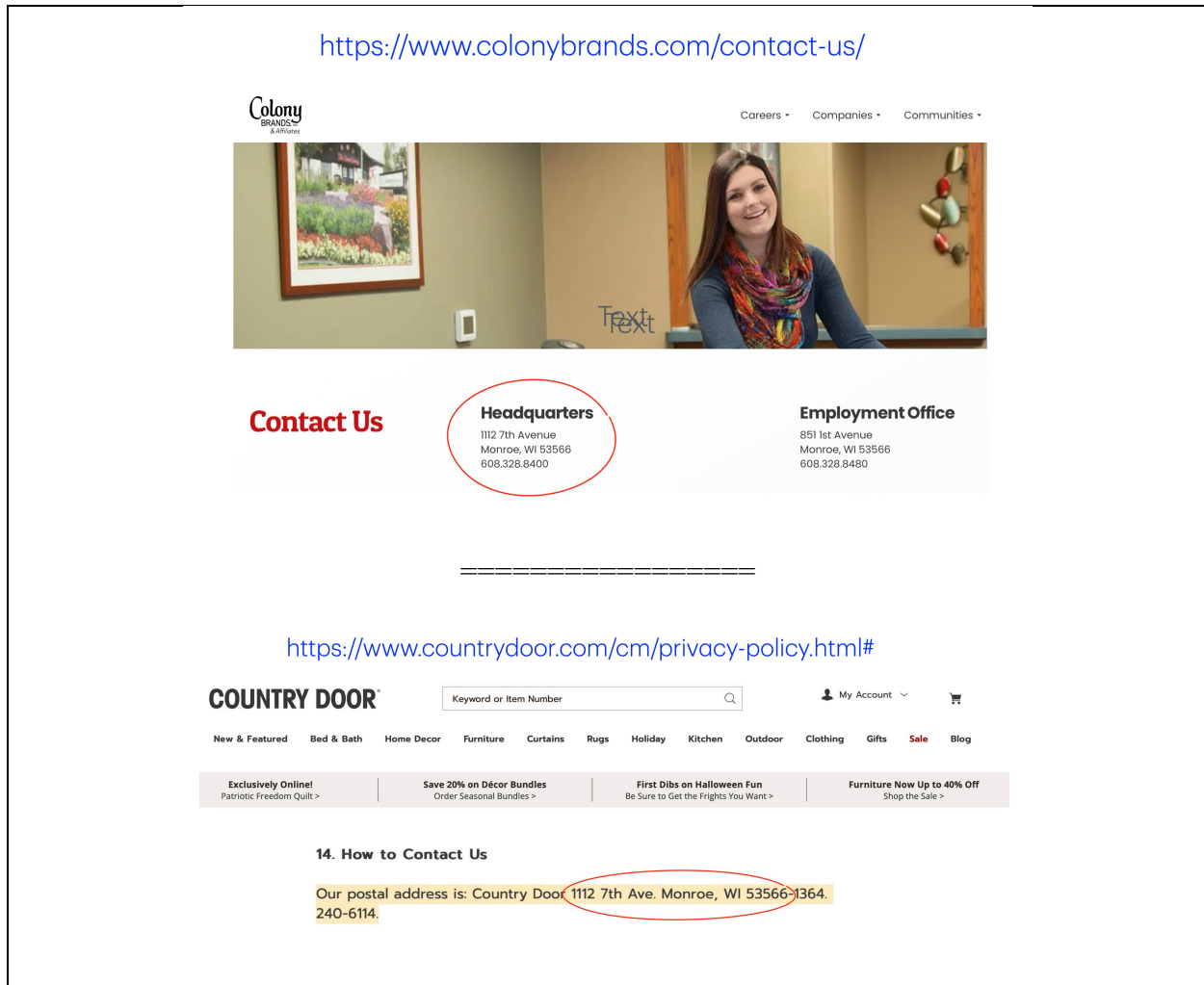
22. The Plaintiff Lynda Tillman is a resident of the State of Pennsylvania and has been for nearly two years as of the date of this filing.

23. Colony Brands, Inc. is based out of Monroe, Wisconsin, and hereinafter is simply referred to as "Colony."

24. Colony is one of the largest direct marketers in the United States in the catalog and internet retail industry.

25. Colony runs, manages and operates a number of "brands" including "Country Door", "The Swiss Colony", "Wisconsin Cheeseman", "Monroe & Main", "Seventh Avenue" and a number of other "brands."

26. Every one of these brands is operated out of the same office and the same building and all at the same address: 1112 7th Avenue, Monroe, WI 53566.



27. Every one of these brands shares the same “customer service” center, managers and supervisors and their respective websites are virtually identical and all hold themselves out as Colony Brands.

28. While Colony is a foreign corporation headquartered in Wisconsin, it conducts a substantial amount of business in the State of South Carolina and as is more laid out below, contracted to supply services or things in this State by sending mailers to the citizens of this State, committed a tortious act in this State by encouraging and/or aiding citizens of this State to arrest and prosecute other citizens of this State that they knew or should have known were innocent, caused tortious injury in this State, engaged in a persistent course of conduct through mailers,

advertising and selling and delivering products to this State and derived substantial revenue from goods used or consumed or services rendered in this State, entered into a contract to be performed in this State and directed its activities towards this State, and in particular, towards the Plaintiff who once resided in the State at the time of the misconduct alleged in the Complaint.

29. Defendants Robert Erb, Steve Cretney, Joe Hunter and Gene Curran are, or were at the time of the events alleged in the Complaint, employees, agents and/or representatives of the Defendant Colony.

30. These above-named Defendants are hereinafter collectively referred to as the “Management Defendants” and often acted as a group and/or in concert with one another.

31. During some of the times mentioned in the Complaint, these “Management Defendants” were acting within the scope and course of their employment and as agents of Colony.

32. Some of these times when the Management Defendants were acting within the scope and course of their employment with Colony and as Colony’s agents, would be when developing the policies and procedures and other account safeguards, or rather failing to do so, to maintain account integrity of customers’ accounts, how to train employees to deal with account integrity issues, or rather failing to do so, and in creating a corporate culture throughout Colony so that when a serious problem did arise, including but not limited to violations of account integrity, Colony would then ignore the problem, deny the problem and whenever they could blame the customer (or someone else) and also when it was possible, tell the aggrieved customer to just go to the police, file a complaint with the Federal Trade Commission or some other governmental entity so that they could deal with it and it would no longer be Colony’s “problem.”

33. They would also have someone else to blame for Colony’s own malfeasance.

34. However, at other times these management Defendants were acting in their own interests and for their own personal gain.

35. These “actions arising out of personal interests” include, but are not limited to, using their inherent power as management at Colony to improperly direct Colony employees to withhold information from the Loftuses and Lynda Tillman about the account violations, instructing Colony employees to **not** call law enforcement to drop the felony charges against Lynda Tillman when they knew for months that she had not committed any type of crime, instructing Colony employees to not call Lynda Tillman back after Lynda had called numerous times begging for help to have her improper felony charges dropped and in otherwise conspiring together to create a plan to and cause Lynda to be the “fall guy” for the colossal dumpster fire Colony’s malfeasance created back in early October of 2021.

36. Their motivation for these personal actions was motivated by financial and/or career advancement purposes as it is just plain common sense that “management types” whose malfeasance ends up costing their employer millions of dollars would suffer great personal financial losses by way of losing their respective jobs and damaging possible personal career-advancement goals.

37. One basis for naming these individuals in this Complaint is just plain common sense that no rational or reasonable corporation (their employees) could ever be imagined to allow an innocent customer like Lynda Tillman to dangle and blow in the “*criminal wind*” for months and months, facing fifteen (15) years in prison and especially after Lynda Tillman had called **numerous** times literally begging for someone at Colony to help her get rid of these bogus criminal charges and even more so after having been promised time and time and time again that someone with “authority” would call her back immediately without these employees having authority and/or instruction from the highest levels of the company.

38. The other basis for naming these individuals is more direct, as on **December 14, 2021**, shortly after Lynda was released from the Lexington County Detention Center, Lynda Tillman

called Colony trying to figure what happened that she ended up being taken to jail over her “Country Door Account”.

39. Lynda told Colony then how horribly upsetting this was to be taken to jail and facing fifteen (15) years in prison over something she knew nothing about.

40. When Lynda asked if she would have to repeat all of this and go over the details again, the supervisor at Colony told Lynda the following “*Nope, they will have all this information.*”

41. Lynda pleaded with Colony, “*Can somebody contact me back please, because I literally have not been sleeping. I'm scared to death over this.*”

42. And, “*Okay, but if somebody can just please let me, let me know the outcome of this as soon as possible, because I have a, I have a court date coming up. I have 10 days for a court hearing so I just, I need this resolved.*”

43. The Colony Supervisor replied, “*I do apologize, Ms. Tillman. We will get back to you as soon as we possibly can.*”

44. Despite having all of this frightening information about an innocent customer of theirs getting wrongfully arrested, no one from Colony ever called Lynda back.

45. So the next day on **December 15, 2021**, Lynda did Colony’s job for them and called **them** back.

46. This time Lynda was passed off to a manager, no less, named Carla.

47. This manager for Colony stated the following, “*I am actually going to contact one of my (INAUDIBLE) that are in an actual **authority place**. I'm going to call them because I know exactly what you're talking about. (INAUDIBLE) And I know they were reviewing it.*” (emphasis added)

48. This manager at Colony then followed up with, “*And the managers, in district, like up in Monroe, **they're in on this too**.*” (emphasis added)

49. Monroe, Wisconsin, is where Colony's corporate headquarters are located.

50. As such, these Management Defendants are properly identified and named in this lawsuit and were the primary moving force in the false arrest and malicious prosecution of Lynda Tillman, as well as her other damages resulting from this fiasco.

51. Defendant Brianna Doe was an employee acting within the scope and course of her employment with Colony.

52. There are numerous other Colony employees mentioned throughout this Complaint and at all times mentioned herein, Defendant Colony's employees and/or agents were working for Defendant Colony and were at all times acting within the scope and course of their respective employment of Colony.

53. As such, Defendant Colony is responsible for the acts and omissions of all of Colony's employees and/or agents under the doctrines of agency, respondeat superior, apparent agency, ostensible agency, master and servant, non-delegable duty as well as other types of vicarious liability.

54. Defendants Kathy Loftus and Kevin Loftus are citizens and residents of the State of South Carolina.

JURISDICTION

55. Jurisdiction is founded upon South Carolina common law and the South Carolina Code of Laws.

56. The majority of the events which gave rise to this litigation occurred in or near Lexington County, South Carolina.

57. Plaintiff further invokes this Court's concurrent jurisdiction to hear claims arising under Diversity Jurisdiction as the Plaintiff is not a resident of the State of South Carolina and one or more of the Defendants is a resident of this State.

ADDITIONAL FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

58. Sometime before **October 4, 2021**, Plaintiff Lynda Tillman moved into an apartment located on N. Lake Dr. in Columbia, South Carolina.

59. Shortly thereafter Ms. Tillman received a flyer (promotional mailing) in the mail advertising goods for sale online from Country Door.

60. While the mailer was addressed to the previous resident at this very same apartment, Lynda Tillman perused the flyer and was interested in a number of items.

61. On **October 4, 2021**, Lynda Tillman went online, set up an account using her own name and her own address.

62. Lynda used her own credit card issued from Navy Credit, she even put in her own Social Security Number and Date of Birth into this new online account.

63. She then proceeded to purchase online from the Country Door brand a small wooden shelving unit that held several wicker storage baskets.

64. Despite purchasing the items in her own name with her own account, through the negligent and/or grossly negligent actions and inactions of Colony, the previous resident(s) of Lynda's apartment, Defendants Kevin and Kathy Loftus, were notified by email from Colony that "*their purchase*" was "*on the way*".

65. As a result of this email from Colony, on **October 4, 2021**, Defendant Kathy Loftus called Colony and was downright irate that an order had been placed on her account that was not made by her.

66. When she called, a Colony service representative passed Kathy Loftus off to Defendant Brianna Doe (hereinafter, "Brianna"), a supervisor at Colony.

67. Kathy Loftus told Brianna that, "*It's upsetting that I have to use somebody else's name to get into my account, hi it's a lie and say I'm Linda Tillman, I'm not.*"

68. Kathy Loftus continued on, “*I just don’t want her to get that item. I want that item canceled; I don’t want her getting it.*”

69. Upon learning that there was clearly some type of mix-up, Brianna should have told this irate customer to “calm down, not to worry, you have not been charged, we will get to the bottom of this, we will take care of it and update you when we find out exactly what happened” or some other reassuring words and phrases that would have de-escalated the situation with this clearly irate customer.

70. However, that is not what Defendant Brianna did.

71. Without any evidence or factual basis whatsoever, Defendant Brianna immediately attempted to throw the blame off Colony and place it on Lynda Tillman by telling Kathy that, “*We are going to note the account as fraud.*”

72. This was most likely the *de facto* policy that the Management Defendants created and enforced.

73. This was wholly inappropriate as Brianna had no basis to make such an absurd assertion and Brianna knew this was going to send Kathy Loftus into a tizzy thinking that a felony crime had been committed against her and her account by Lynda Tillman.

74. Again, without any factual basis whatsoever, Brianna threw fuel on this fire (initially caused by Colony’s own negligence) and suggested that Kathy call the police, saying, “*You can if you want, you can fill out a police report*”, which was effectively telling Kathy that a felony crime had been committed against her by Lynda Tillman, and that is defamatory and defamatory *per se*.

75. This was also most likely the *de facto* policy that the Management Defendants created and enforced and was the initial cause of this completely avoidable fiasco.

76. Even again, with zero factual basis, Defendant Brianna tells Kathy to go to a federal website and fill out a “fraud packet” at the Federal Trade Commission so the entire world will think Kathy Loftus has been the victim of felony identity theft by Lynda Tillman.

77. This whole ‘shove the customer off to the Federal Trade Commission’ and let them deal with the problem is right out of the Management Defendants’ playbook, and a play that they are still using today as is shown below.

78. And if that was not enough to totally blow up this dumpster-fire of a situation, Defendant Brianna then goes on and tells Kathy Loftus that Linda Tillman “...*has no decency*...” for what she did.

79. Colony and Brianna could not have done more to encourage one of Colony’s customers to go have arrested another one of Colony’s customers (Lynda Tillman), and a customer who they knew, or should have known, did absolutely nothing wrong.

80. The next day Kathy Loftus contacted Colony again to let them know she is going to the police to have Lynda Tillman arrested.

81. Colony did nothing to deescalate this horrible situation, and in fact, as will be shown in more detail below, this is standard operating procedure for Colony as was laid out by the Management Defendants of Colony: deny any responsibility, blame others and encourage aggrieved customers to go file complaints with the authorities to cover up Colony’s own failures.

411	278.49	08:31 10/06/21	BGO	ORDER 507536-03. CUSTOMER GOING TO GO ON
10/05/2021		DISPUTED-FRAUD		LINE AND FILL OUT FTC THEN FAX IT BCK
434	.00	11:15 10/16/21	SCC	PER EMAIL THIS ORDER IS A FRAUD ORDER
10/06/2021		INCOMING EMAIL/EFD		IS CONTACTING POLICE/AND HAS OUR FTC

(Colony account print-out for Loftus or Tillman account)

82. Most likely Colony did some kind of investigation and they immediately figured out two (2) days later what happened and learned that there was no fraud...no fraud on the part of Lynda Tillman anyway.

83. Colony also learned it was their own fault.

ACTN	COLT	AMT	TIME	RCL	DATE	ID	SCRATCH PAD
401		.00	12:05	11/05/21		KAK	RCVD FX FRM K LOFTUS W/ID THEFT RPRT//
10/06/2021							CLCTR UPDATE FWD TO LP
401		.00	19:58	10/07/21		998	COMPUTER GENERATED COMMENT - WEB
10/07/2021							CLCTR UPDATE
920	1392.45		09:07	10/23/21		JLJ	RECURRING PAYMENT SKIPPED ON INTERNET
10/08/2021							DISPUTE RESOLVED
445	.00		09:17	10/23/21		JLJ	TRNSFRD ORDR & 278.49 F 685316875 KATHY
10/08/2021							UNLINK ACCNT CMPLTD LOFTUS ACCT [REDACTED] LYNDIA TILLMAN AC
402	.00		09:17	10/23/21		JLJ	CT//ALSO CHNGD NME ON THS ACCT BCK TO
10/08/2021							SCRATCH PAD ADD. KATHY LOFTUS
401	.00		12:05	11/05/21		KAK	RCVD FX FRM K LOFTUS W/ID THEFT RPRT//

(Colony account print-out for Loftus or Tillman)

84. Any reasonable person or company would have immediately contacted Kathy Loftus **and** Lynda Tillman, explained to them both what happened, explained in no uncertain terms that there had been no fraud committed by Lynda Tillman and then sent each of these customers a sincere apology and maybe even a nice gift card for the troubles they both went through.

85. Since Colony also knew Kathy Loftus had already contacted the police, they should have also **immediately** contacted that very police department and notified them that Lynda Tillman had done nothing wrong and that any mix up was **their fault**.

86. Colony did not do that...and most likely they did not do that per the explicit instructions of the Colony Management Defendants as no low-level employee would dare be so bold as to have this on their shoulders and not inform Colony's management up in Monroe, WI.

87. What also should have happened was that this should have been the **end of this matter**.

88. That is what the first lawsuit in this matter was about....a negligent mixing up of accounts and a simple misunderstanding.

89. That can happen and when it does happen, one should immediately accept responsibility for it, apologize and rectify the situation

90. That **should** have been the end of it there.

91. That was also all that Lynda Tillman knew about it, until just recently, and that is what she thought happened on the part of Colony.

92. But now as a result of these last minute disclosures and audio files (telephone calls) things have changed.

93. By anyone's reasonable analysis, thought process, belief, or even imagination, October 7th/8th, 2021, should have been the end of this matter.

94. For legal purposes, October 7th/8th, 2021, was the end of that matter.

95. Defendant Colony even admits this and documented it was the end in their own records.

ACTN	COLT	AMT	TIME	RCL	DATE	ID	SCRATCH PAD
401		.00	12:05	11/05/21	KAK	RCVD FX FRM K LOFTUS W/ID THEFT RPRT//	
10/06/2021				CLCTR	UPDATE	FWD TO LP	
401		.00	19:58	10/07/21	998	COMPUTER GENERATED COMMENT - WEB	
10/07/2021				CLCTR	UPDATE	RECURRING PAYMENT SKIPPED ON INTERNET	
920	1392.45		09:07	10/23/21	JLJ	NOT FRAUD//WILL UNLINK	
10/08/2021				DISPUTE	RESOLVED		
445		.00	09:17	10/23/21	JLJ	TRNSFRD ORDR & 278.49 F 685316875 KATHY	
10/08/2021				UNLINK	ACCNT CMPLTD	LOFTUS ACCT [REDACTED] LYNDIA TILLMAN AC	
402		.00	09:17	10/23/21	JLJ	CT//ALSO CHNGD NME ON THS ACCT BCK TO	
10/08/2021				SCRATCH	PAD ADD.	KATHY LOFTUS	
...		

(Colony account print-out for Loftus or Tillman account)

96. Colony's own records state "**DISPUTE RESOLVED.**"

97. This matter was RESOLVED on October 7, 2021.

98. Under no circumstances and in any known universe did Lynda Tillman ever contemplate, much less clearly, explicitly and unequivocally agree to arbitrate the matters that happened next.

99. It cannot be stated enough times that as of October 7th/8th, 2021, this "**DISPUTE RESOLVED**".

100. From this point on Colony knew what happened.

101. They transferred the order back to Lynda's account and straightened out the correct names on the correct accounts and they even documented it on their own company-wide computer system.

102. Every single person at Colony knew about this mix-up and that it was fixed, and if they didn't know about it, all they had to do was pull up the account and they could have seen it was clearly documented as "**not fraud.**"

103. Therefore, anyone at Colony dealing with either Kathy Loftus or Lynda Tillman knew or should have known about it and, as such, are imputed with this knowledge.

104. However, due to Colony's own intentional and deliberate actions, this matter did not go away and Colony intentionally turned it into an even larger dumpster fire for Lynda Tillman.

105. On **October 11, 2021**, three (3) days after Colony had already determined it was not fraud and noted it in their Colony-wide system, Kathy Loftus, with no reason to be accusing Lynda Tillman of any wrongdoing, calls Colony and wants to talk about "***her fraud case***".

10/11/2021		IVR INQUIRY INTERAC
401	.00	13:01 10/11/21 DG5 CCI TO GET INFO FOR HER FRAUD CASE
10/11/2021		CLCTR UPDATE
401	30.00	23:00 11/10/21 998 COMPUTER GENERATED COMMENT

(Colony account print-out for Loftus or Tillman account)

106. On this phone call Kathy Loftus states the following, "*Hi, Jonathon. My name is Kathy Loftus. I have fraudulent activity on my account with Country Door and the lady who used my account must have got ahold of my catalog and made a purchase. Country Door (Colony) has since fixed the situation, they credited my account, the item was delivered to the lady, but I am pressing charges, and the police department just told me that they need a statement from you showing that she had added her name on my account with my old address and the purchase that was made.*"

107. Jonathon, the Colony representative, stated the following, “*Thank you. All righty, thank you so much for patiently waiting, ma 'am. So, we did go ahead and take a look. This is the first time I've actually had one of these cases, so they did provide me good information for us to go ahead and explain to you. Now, at this moment, I just want to go ahead and clarify it. Did the fraudulent charge that happened, was it for the account on Monroe Maine?*” (emphasis added)

108. This Colony representative actually pulled up Kathy’s account and seemed to be excited to have his first “fraud” case, yet we cannot blame just Jonathon for this malfeasance as he met with his supervisor about what to do in this situation.

109. So even at this point Colony’s actions are being guided by the “higher-ups” at Colony as Jonathon made sure to mention that management at Colony (aka Management Defendants) gave him “good information” on what to do in this situation,

110. That “good information” from Colony’s management was to throw Lynda Tillman under the bus.

111. Kathy made sure to let Colony know that she was having Lynda arrested, “*..I am pressing charges...*”

112. What Jonathon **should** have done is tell Ms. Loftus to calm down, all is fine, there is no fraud, it’s right here in our internal records that it was “NOT FRAUD” and we have taken care of everything.

113. Jonathon also should have immediately told Ms. Loftus not to call the police as this was not a crime, ask or tell Ms. Loftus to call the police back and let them know this was just a mistake by Colony.

114. Jonathon also should have called Lynda Tillman and informed her that the other affected customer had called the police so that Lynda Tillman could have gotten information from Colony, taken it to the police and got the police to back down.

115. Jonathon also should have gotten the name of the police department and the name of the detective Kathy Loftus spoke to as Kathy flat out told Jonathon that she had been speaking to the police, that she was pressing charges and that there was a detective she was working with.

116. Jonathon also should have then called that detective, or at least the police department, and let them know that he was a representative of Colony and that there was absolutely no fraud committed by anyone, and certainly not by Lynda Tillman.

117. Once again, that is not what Colony did...not even close.

118. Even after admitting and documenting it was “NOT FRAUD”, Jonathon and Colony further facilitated Kathy Loftus in her zeal to see someone go to jail for ordering some wicker baskets online by giving Kathy Loftus telephone numbers and information on where to send police reports, all to make certain Lynda Tillman would go to jail and take the blame for Colony’s malfeasance.

119. Jonathan did, however, wish that Kathy Loftus “*have a wonderful day*”.

120. On **October 30, 2021**, Lynda Tillman called Colony to check on her order for the wicker baskets as obviously that order did not go through.

121. Once again, Colony had the opportunity to tell Lynda about the dumpster fire they created and put it out as it was right there, plain as day, in Colony’s company-wide computer system as “NOT FRAUD”.

122. However, these Colony Defendants deliberately and intentionally withheld important information that Lynda Tillman had been accused of fraud and that Lynda may want to call the police and have the police call Colony or give Lynda some type of information so Lynda would know what was going on and arm herself with the information she needed to protect herself from being snatched out of her home, having handcuffs slapped on her wrists and being thrown in the County Jail.

123. Yet again, that is not what Colony did...they simply told Lynda she needed to re-order her wicker baskets.

124. Now on **November 17, 2021**, well over a month since Colony has known and documented that Lynda Tillman had not defrauded Kathy Loftus, Kathy calls Colony again, speaks with “Judith” and tells her, *“So the reason why I’m asking is because my account was fraudulently used. I’m sure you might be able to see that. But the detectives that are working on the case, because my identity was stolen, need the Country Door account number so I’m giving them this XXXX number.”*

125. No one at this point had been arrested, and Colony had another opportunity to put this dumpster fire out and tell Kathy Loftus she has not been defrauded by Lynda Tillman.

126. Even after Judith pulls up Kathy’s account, Colony intentionally chooses to do nothing but wait and hope that Lynda gets arrested, hope that Colony does not look bad, hope that Colony does not get sued, and hope that Lynda Tillman takes the hit for Colony’s malfeasance.

127. At this point, it has now been over **two months** since Colony knew and documented that Lynda Tillman did not commit fraud.

128. Colony has had multiple opportunities to put this dumpster fire out for Lynda Tillman, but by Colony’s repeated and deliberate actions, they want to blame Lynda Tillman for their screw-up and do not care that she is on the way to getting arrested for Colony’s own actions, which at this point must clearly be per policy and procedure and by explicit instructions from the Management Defendants.

129. As expected, on **December 3, 2021**, a Lexington County Magistrate signed two (2) felony arrest warrants for Lynda Tillman: one felony warrant for “**Financial Identity Fraud**” and another for “**Financial Transactions Card Theft**”.

130. The natural consequence of these two felony arrest warrants, one for ten (10) years in prison and one for five (5) years in prison, was that on **December 10, 2021** a pair of Lexington County Sheriff's Deputies with guns and badges drove over to Lynda's home, banged on her front door, dragged Lynda out of her home and put handcuffs on her.

On 12/10/2021 I responded to 2170 N. Lake Drive apt. 7028 in the county of Lexington, in reference to a warrant service. Upon arrival, I made contact with Lynda Lee outside. Lynda's information was ran through dispatch. After a few minutes, dispatch advised she had two active warrants, confirmed in hand, (per the front desk). **Lynda was placed under arrest, and transported to LCDC.** Once at the jail, she was served warrant #'s 2021A3210700446, and 2021A3210700447. Once being served the warrants, she was turned over to jail staff.

(Lexington County Sheriff's Department (LCSD) – Report)



Photo Date: 12/10/21



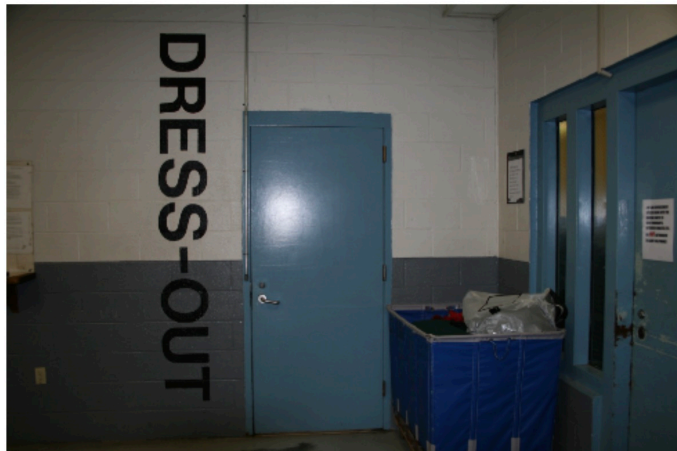
Photo Date: 12/10/21

Lexington County Sheriff's Department (LCSD) – Booking Report

131. These armed deputies then took Lynda out to their patrol car, placed her in the secure backseat of their cruiser, drove her to the Lexington County Detention Center, stripped her down naked, put her in an orange jumpsuit, finger-printed her, took her mug shot, placed her in a cold hard cell and locked the thick steel door shut on Lynda.



(Lynda's Jail Cell at Lexington County Detention Center)



(Lynda's Jail Cell & Strip-Down Area at Lexington County Detention Center)

132. Lynda remained in her cell, cold and scared to death, until her husband was able to post bail for her and get her out, some ten (10) hours after being arrested.

133. While Colony does not care about having an innocent customer thrown in jail to prevent a costly lawsuit over its own malfeasance, Colony does care about its money and is very diligent in collecting every penny it thinks it is owed.

134. On **December 14, 2021**, just two days after Lynda was released from jail, Colony gave Lynda a call.

135. It was a call from Colony's Credit Department wanting to get their money from Lynda for their wicker baskets.

136. On this call, "Julio" from Colony stated, *"We're calling regarding your account with us with Country Door and we're checking if you are able to make a payment."*

137. Incredibly, Lynda was calm and collected and responded to Julio, *"Actually, Julio, I have some questions about this account because recently I was arrested for fraudulent charges on this account. So is there somebody that can help me with this?"*

138. Any reasonable person would expect "Julio" to be shocked at this horrible revelation by a Colony customer.

139. However, as Julio was trained to only care about Colony getting its money, Julio replied, *"Well, on this account, there is a statement that was sended. Let me tell you when did we send the order. Just a moment, please. Thank you. It's regarding the storage that we delivered back on October. We haven't received payment on November, on December. That's why we are calling."*

140. Julio showed no concern whatsoever about Lynda's plight.

141. Only when Lynda begged for a supervisor did Julio get her to another "supervisor."

142. As it turns out, this "supervisor" was the very same "supervisor" who threw Lynda under the bus with Kathy Loftus back two (2) months ago regarding this same "fraud issue."

143. It was the same Brianna who told Kathy Loftus that Lynda Tillman had “*no decency*” and encouraged Kathy Loftus to go to the police and have Lynda arrested.

144. Lynda explained to Brianna in great detail how she was arrested and how she has no idea why except that it was somehow related to her online account and Kathy Loftus’ account with Country Door.

145. Without question, Brianna pulled up these accounts and immediately saw exactly what transpired two months ago and even saw her own notes in the file.

146. However, Brianna acted like she had no idea what Lynda was talking about and lied to Lynda and said, “*It’s not possible, to be honest with you, it’s not.*”

147. Lynda then replied, “*I’m going to need some type of correspondence from Country Door that this is not possible. I’m facing felony charges. I sat in jail for 10 hours on Friday due to this.*”

148. During this very lengthy phone call, Lynda went into great detail about all that she went through.

149. Brianna then said she is going to speak with a “*a higher-up supervisor*” and put Lynda on hold.

150. Lynda then gave Defendant Brianna the arresting officer’s name, the law enforcement agency’s information, her criminal Defense attorney’s name, etc.

151. Lynda gave Brianna everything that Colony could ever need to put this dumpster fire out for Lynda and tell the police this was all a mistake.

152. Lynda even pleaded, “*Somebody needs to explain this to me because like I said, I sat in jail for 10 hours on Friday for identity theft and credit cards theft.*”

153. Brianna, consistent with her instructions from Colony corporate policy and the Management Defendants’ directives, did not even seem the least bit concerned or upset and did

not even offer any type of sincere apology on behalf of Colony, which of course, was for one simple reason: Colony was **not** sorry for Lynda's predicament, it was their plan.

154. After Lynda bravely and calmly answered all of Brianna's questions, Brianna stated the following, "...*that's why I have higher-ups looking into it, my manager and stuff...*".

155. With such shocking news being reported to Colony by Lynda and with promises from a "*supervisor*" of getting managers and "*higher-ups*" involved, it would seem most reasonable corporations would have immediately called Lynda back with news that the matter has been investigated, law enforcement called off, the matter rectified and a sincere apology offered to Lynda from the highest levels of Colony.

156. Of course an apology by the Management Defendants would risk being seen as an admission of liability by Colony, so no apology from the Management Defendants was ever going to be offered to Lynda.

157. To this day, nearly three (3) years since Colony knew of Lynda getting arrested for their actions, Colony Management has not uttered a single word of an apology.

158. In fact, in Colony's **sworn** Answer on behalf of Country Door in Lynda's first lawsuit, even while Colony knew every single fact of what happened, Colony had the gumption to deny they did **anything** wrong:

CD denies Claimant's allegation that CD acted improperly or negligently in any way during the events giving rise to this dispute.

(Colony's sworn Answer on Behalf of Country Door (CD))

159. They have also **admitted** in that same sworn Answer, just as Plaintiff has alleged here, that Colony followed all policies and procedures:

At all times, CD followed policies and procedures

(Colony's sworn Answer on Behalf of Country Door (CD))

160. And most incredibly, Colony had the audacity to blame Lynda for their mess:

Claimant was comparatively negligent

(Colony's sworn Answer on Behalf of Country Door (CD))

161. With this much information in the hands of Colony, anything less by way of immediately rectifying this mess proves only one thing: this is what Colony intended.

162. This is especially true when the last thing Lynda told supervisor Brianna and Colony was, ***"Can somebody contact me back please, because I literally have not been sleeping. I'm scared to death over this."***

163. During this horrible telephone call with this supervisor for Colony, Brianna left poor, scared Lynda on hold for nearly **two (2) hours!**

164. However, as expected and consistent with their corporate policy, Colony did not care, did not call Lynda back as she begged them to and simply hoped Lynda would go away, leave Colony alone and take the "fall" for the Kathy Loftus incident.

165. Surely, after letting Colony know in no uncertain terms that she (Lynda) was **scared to death** and facing fifteen (15) years in prison, any reasonable person would think that Colony would have been on the phone, if not in person, calling Lynda back right away and reassuring her that everything was going to be alright and then immediately calling someone at the Sheriff's Department telling them to immediately drop the charges against Lynda.

166. Surely during those two (2) hours that Brianna left Lynda hanging on the phone on hold, Brianna was able to reach the highest levels of Colony's management, inform them of the situation and get explicit instructions and authority on how to 'resolve' this matter immediately.

167. While all that would certainly seem to be a reasonable course of action for Colony, that is not what they did.

168. Colony let Lynda wallow in her fright and misery and would not even call her back.

169. The next day on **December 15, 2021**, Lynda called Colony **again**.

170. Surely by now, even though Lynda had to call Colony back instead of vice versa, one would think with all these Colony managers and 'higher-ups' in Monroe being notified of an innocent customer being wrongly arrested, there would be all kinds of bells and sirens going off at Colony and when Lynda called back, they would all know who she is and what had happened to her.

171. That is not what happened.

172. When Lynda called Colony back on **December 15, 2021**, the Defendants at Colony acted like nothing at all had ever happened.

173. So good was their adherence to Robert Erb's and his co-Management Defendants' instructions for Colony employees to 'play dumb', do nothing, ignore Lynda, act like nothing had happened and just hope Lynda goes away (preferably to prison), Lynda felt compelled to let them know, ***"I seem to be getting the runaround. I would like to either speak with like your legal department or fraud departments or somebody very very high up if possible."***

174. Of course, Colony had the audacity to simply ask Lynda, ***"Would you like to speak to a supervisor?"***

175. Lynda has to once again explain everything in detail about her incredibly frightening experience of getting arrested for something she knew nothing about and eventually gets transferred to a “supervisor”...in the credit department...named Carla.

176. All Carla had to do is look at Lynda’s account and she would have clearly seen what happened, yet she lied to Lynda and pretended to act like this call is simply in reference to an order that Lynda may or may not have placed.

177. Carla was just following Colony management’s instructions for her on how to deal with Lynda.

178. We know this to be true because Colony swore in their Answer that all policies and procedures were followed (see above).

179. Lynda had to once more go through all the arrest details and even read from the arrest warrants to give Carla as much information as she could.

180. After reading the arrest warrants to Carla, Lynda tells her, “***This is a very, very serious matter, ma'am. I am facing two felony charges due to an error from your company and this needs to be rectified immediately.***”

181. Carla then replied that she was going to contact one of her colleagues “***that are in an actual authority place***”, and that, of course, was the Management Defendants up in Monroe.

182. The rest of the conversation with Carla from Colony is so unbelievable that it can only be described by quoting it verbatim:

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Carla: And then also talking with the company's managers as well, apparently. It's definitely in high (INAUDIBLE) regard to. But what I was told was I was told to get your name and I'm going to put the account number (INAUDIBLE) to all of our supervisors and get some resolution on this account. (emphasis added)

Lynda: Okay. Do we know how long this is going to take? I mean this this is, I sat in jail for 10 hours over this.

Carla: I heard that I am so so so very sorry. Like I said, they're working on it. Like, **you are top priority right now.** I do know that. And she's really good about trying to get things taken care of. What she does is she contacts who she needs to contact but we have to wait to hear back from them. I can't give you a time frame, but I'm willing to bet it'll be within the next three days because she is really quick about trying to get resolved. (emphasis added)

Lynda: Now, let me ask you. So like, I honestly did not mistakenly order off this woman's account. Am I correct? Like this is under my information, my social security number. Am I correct?

Carla: That's what (INAUDIBLE) to because it has an address, has a telephone number (INAUDIBLE). Let me check here. We don't have a social on file though so that I can't verify.

Lynda: Okay, because it's saying that I ordered it, I changed all of her account information and my account information. How is that possible?

Carla: It had to be some kind of glitch in the system or something, but it's a huge mess. I mean, I can't even explain how it happened. And **the managers in district, like up in Monroe, they're in on this too.** They're trying to figure out why it did what it did and how it even happened. (emphasis added)

Lynda: Okay, because I have to meet with my, and I have to pay an attorney for this. I have to meet with him on Friday.

Carla: Okay. And Indra (INAUDIBLE), she's the one who's in charge of the loss of prevention. (INAUDIBLE). I don't know much about it when it comes to this stuff. That's why I'm taking your name, your phone number because she will, and you can explain all of this to her, and she'll tell you what she's going to do to get resolved. I don't honestly know. I mean I take information, but I don't know the depth of everything they look into and what they do. I'm sorry.

Lynda: Can you please have her **call me immediately?** (emphasis added)

Carla: **Yes.** (emphasis added)

Lynda: Like, **I'm literally sick over this. I'm losing sleep.** I need to speak with somebody today. (emphasis added)

Carla: Yeah, yeah, definitely. There is no question. That's why I have to get this emailed right away because I am working from home so I can't go over and talk to her, but I'm emailing it to her right-away and a couple other supervisors. **I'm adding quite a few people to it so that way we can get you contacted so they can speak with you today.** (emphasis added)

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183. In this call, Lynda made sure Colony knew how important and life-changing this was to her (Lynda) and this supervisor named “Carla” made numerous very important promises, clearly promising that just about every “higher-up” at Colony would be personally involved in resolving this mess and would definitely call Lynda back this same day.

184. The “promises” made by Colony were as follows:

- “...all of our supervisors are on it and will get some resolution..”
- “It had to be some kind of glitch in the system or something, but it's a huge mess..”
- “...the managers in district, like up in Monroe, they're in on this too”

185. And just to make sure Lynda let Colony know on this 15th day of December 2021, just how life-altering and frightful it was for her:

- “I have to meet with my, and I have to pay an attorney for this. I have to meet with him on Friday.”
- “Like, I'm literally sick over this. I'm losing sleep. I need to speak with somebody today.”
- “Can you please have her call me immediately?”

186. Of course, Colony claimed they knew and understood just how important this was to Lynda:

- “Yes.”
- “Yeah, yeah, definitely. There is no question.”
- “...a couple other supervisors...”
- “I'm adding quite a few people to it so that way we can get you contacted **so they can speak with you today.**” (emphasis added)

187. With the grave nature of the situation with Lynda facing fifteen (15) years in prison, the nature of the promises made by Carla and Colony and the sheer number of high-level

supervisors, managers, “*higher-ups*” and people in the home office “up in Monroe”, it can only be concluded that Defendants Robert Erb, Steve Cretney, Joe Hunter and Gene Curran were the “*higher-ups*” that were “*in on it*” “*up in Monroe*”.

188. To conclude otherwise that these Management Defendants had no idea what was going on with Lynda simply defies all logic and common sense.

189. No company in the world with instant communications, be it telephones, emails, text messages and the like, can claim that with a matter as important as Lynda’s with such importance and urgency, can they truthfully claim that “*the top brass just did not know.*”

190. The only reasonable conclusion is that the Management Defendants Robert Erb, Steve Cretney, Joe Hunter and Gene Curran were all informed and fully up-to-date on the “Lynda Tillman situation” and Colony’s employees were following their explicit directives.

191. Colony has had years since the date Lynda first put them on notice of her claim for Colony to produce everything they wanted to be produced by way of exculpatory evidence.

192. If this had been a “simple mistake” on the part of Colony and that these Management Defendants were totally in the dark and had no idea what happened to Lynda, that they were disgusted over what happened to Lynda, that they had sent out a company-wide email or other notice to Colony employees on how to prevent this from happening again, Colony could have produced all the exculpating evidence they wanted.

193. Colony produced nothing of the sort, despite having countless opportunities to do so.

194. On May 31, 2022, prior to any suit being filed, Plaintiff sent a letter to Colony’s (Country Door) corporate office in Monroe, WI asking for a copy of their “entire file” in connection with the Lynda Tillman matter.

May 31, 2022

Country Door
1112 7th Ave.
Monroe, WI 53566-1364

RE: My client: *Lynda Tillman*
Subject: Wrongful Arrest
Date of Arrest: December 10, 2021

Dear Sir or Madam:

Please be advised that I represent Lynda Tillman in connection with her wrongful arrest on December 10, 2021 relating to an alleged fraudulent charge involving your company for Order #507536-03, dated October 4, 2021. At this time, I would ask you to send me a copy of your entire file in connection with this matter.

195. This was more than eight (8) months after Colony noted this matter as “NOT FRAUD” and more than eight (8) months after Colony noted that they were informed that Kathy Loftus was going to the police.

196. This was well more than sufficient time to conduct a reasonable and in-depth investigation into this matter, issue a written apology to Lynda Tillman and certainly sufficient time to respond to Lynda’s attorney’s request for a copy of Colony’s investigation, correspondence, emails, messages or anything else Colony’s Management Defendants would like to send to Lynda to show this was all a mistake, they had no part in it and they were very sorry for what happened.

197. Colony’s response to Lynda Tillman’s reasonable request: crickets.

198. Colony completely ignored this reasonable request and could not even be bothered to send a simple courtesy reply acknowledging the representation letter.

199. During the “pre-arbitration period” of the initial suit, for an entire year, Lynda Tillman asked Colony multiple times to produce anything and everything Colony had related to this matter, any investigation, communications, emails, etc.

From: Robert Phillips <rphillips@mcgowanhood.com>
 Sent: Tuesday, August 22, 2023 3:09 PM
 To: [REDACTED]
 Cc: [REDACTED]
 Subject: Re: Lynda Tillman v. Country Door, Inc. - Case 01-23-0001-9695

Hi [REDACTED]

[REDACTED]

With that said, I do need to get some discovery from your folks. I am just looking for all of their internal documents, communications with the Loftuses, emails, etc. and investigation that was done.

I am happy to get you whatever your folks need as far as the arrest records, criminal file from Jack Swerling, etc.
 Just let me know.

(Lynda Tillman Request to Colony for Evidence on August 22, 2023)

From: [REDACTED] <[REDACTED]>
 Sent: Friday, September 29, 2023 9:30 AM
 To: Barrett, Thorne <[REDACTED]>, Robert Phillips <rphillips@mcgowanhood.com>
 Subject: Re: Lynda Tillman v. Country Door, Inc. - Case 01-23-0001-9695

Good morning, Mr. Barrett. I'm following up on the exchange of some preliminary discovery and getting a mediation scheduled.

Please let us know if there are any mediators you would like to propose and some dates for mediation. Perhaps we could look at November and December to ensure we have ample time for the exchange of information.

We look forward to hearing from you.

[REDACTED]

(Lynda Tillman Request to Colony for Evidence on September 29, 2023)

BT Barrett, Thorne <[REDACTED]>
 To: Robert Phillips; [REDACTED]
 Mon 10/2/2023 12:04 PM

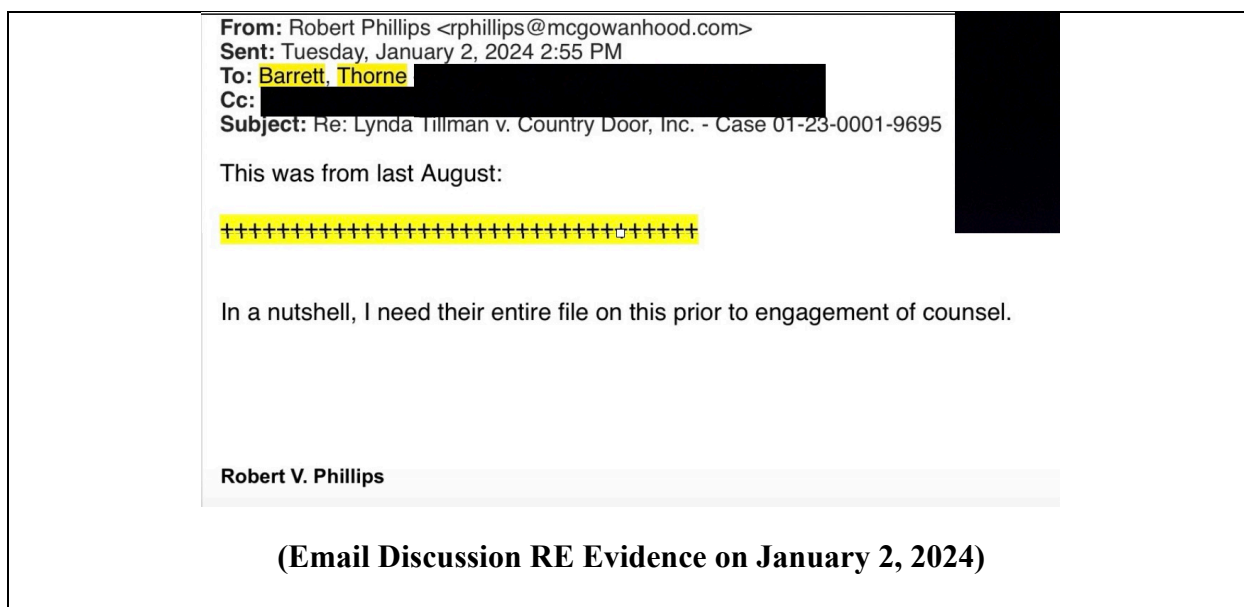
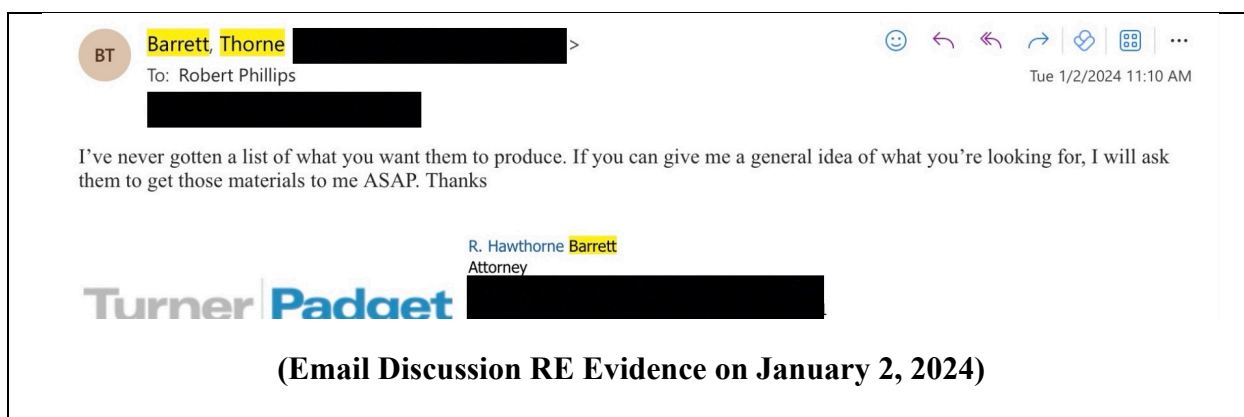
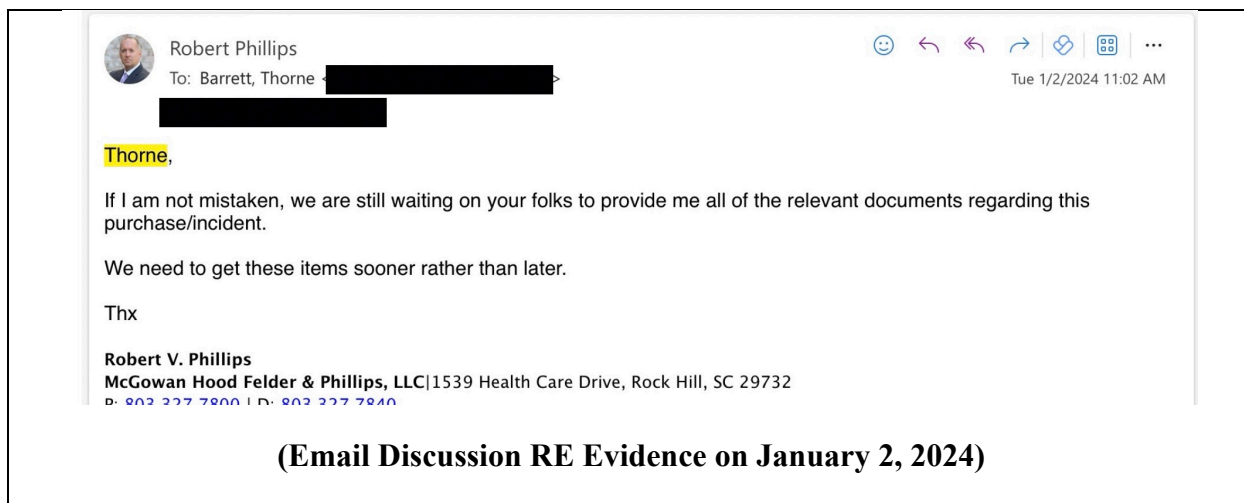
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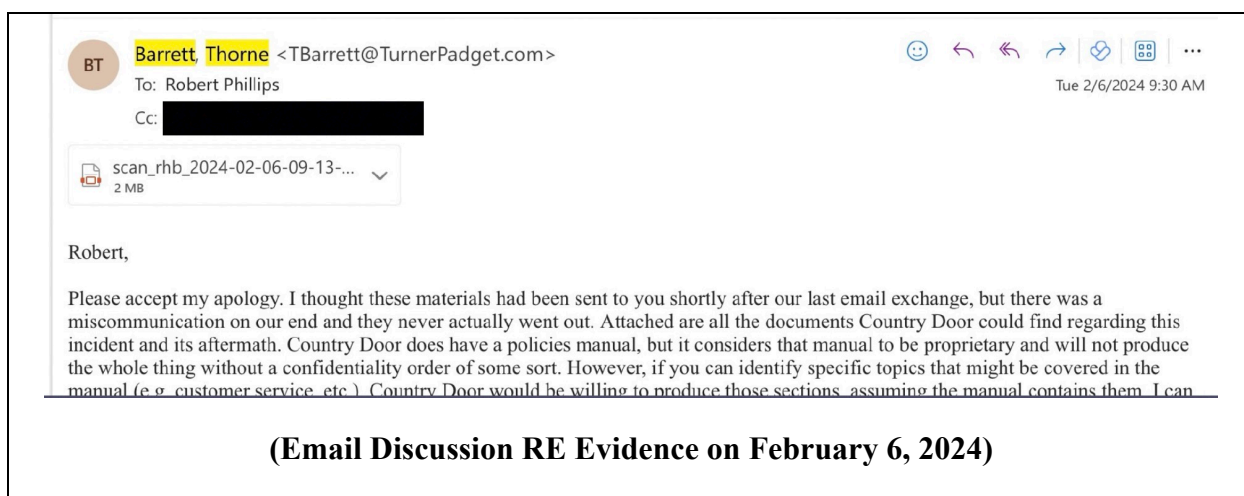
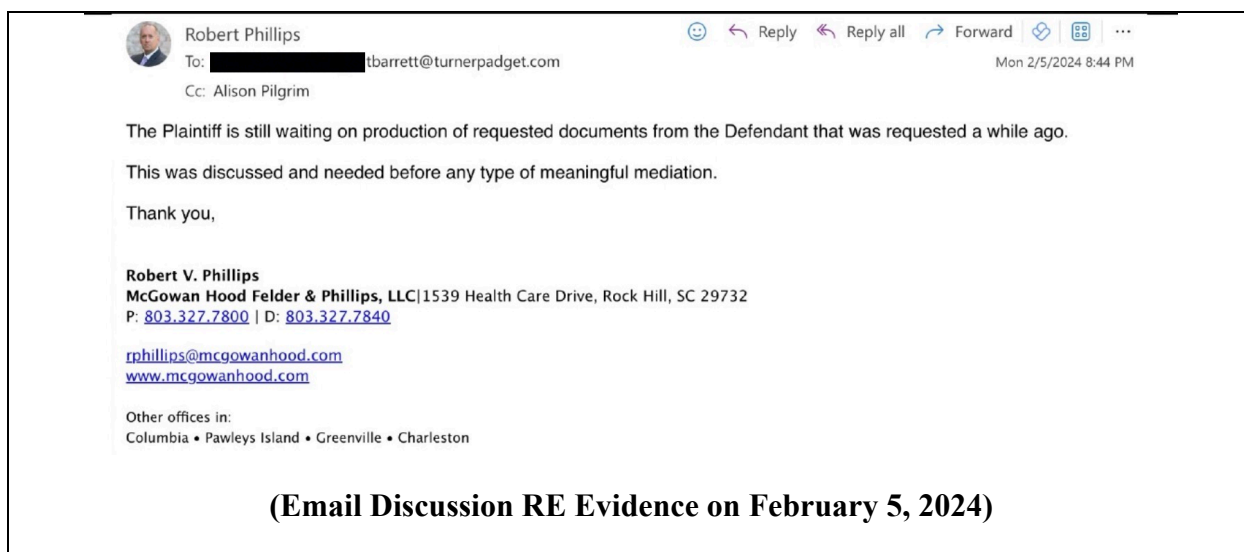
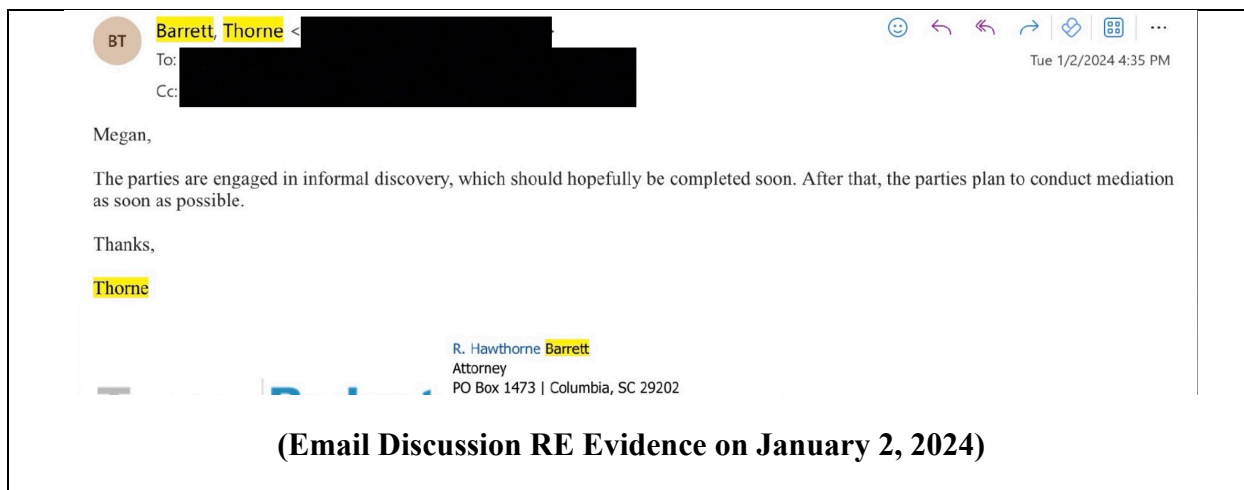
That's fine with me. Can you send me a list of information / materials you want from Country Door? They don't need to be formal discovery requests, and I don't know what CD will or won't have, but that could get the ball rolling.

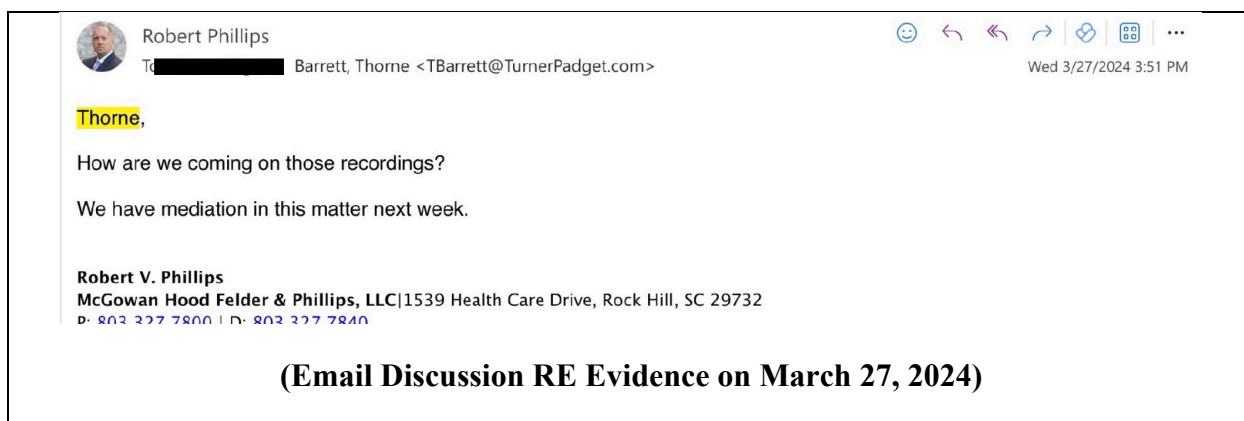
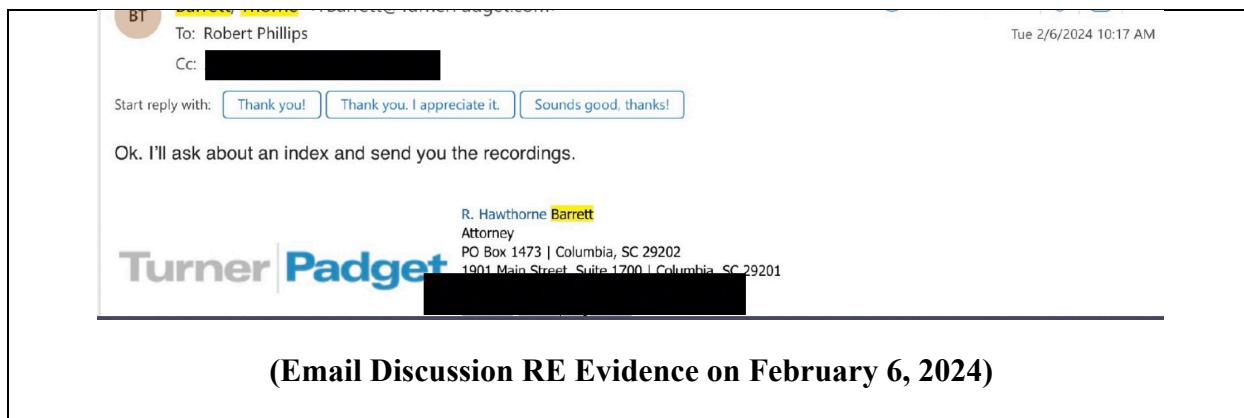
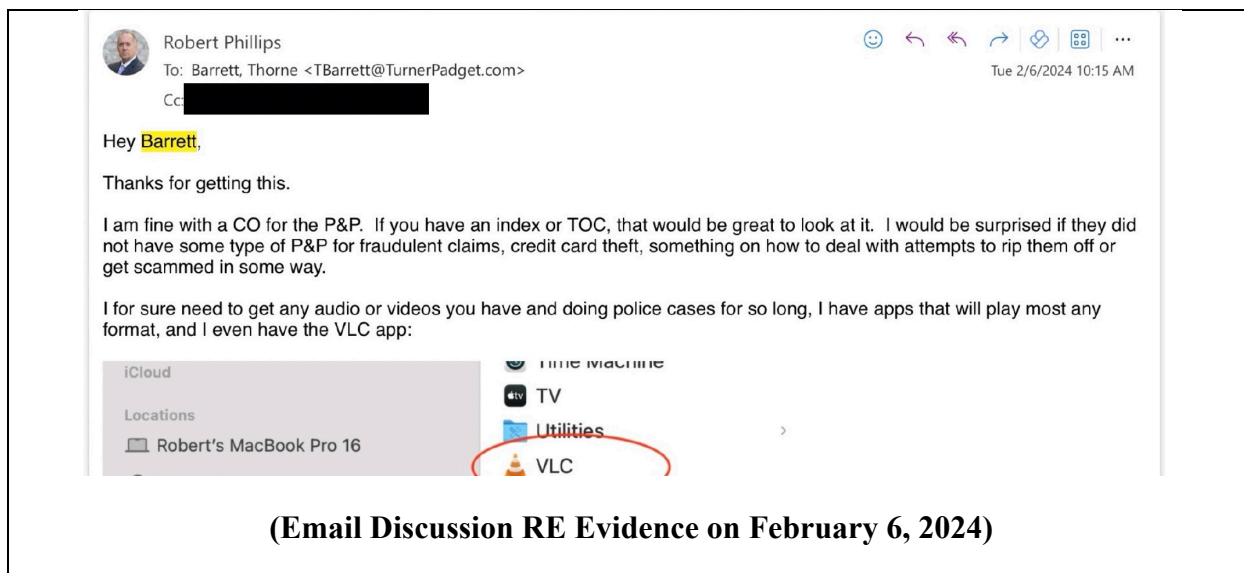
R. Hawthorne Barrett
 Attorney

Turner [REDACTED]

(Email Discussion RE Evidence on October 2, 2023)







From: [REDACTED] <[REDACTED]@turnerpadget.com>
Sent: Wednesday, March 27, 2024 4:39 PM
To: [REDACTED] <[REDACTED]@mcgowanhood.com>
Subject: Tillman v. Country Door

[REDACTED]

Attached are copies of the audio recordings related to this incident. I have already sent the link to Mr. Phillips via a separate link. Please let me know if you have any problems downloading or opening. I have our IT department working on getting them to open for us - we do not have this particular program but I am told that you all do.

[REDACTED]

Legal Assistant to R. Hawthorne Barrett

[REDACTED]

(Email Discussion RE Evidence on March 27, 2024)

200. As is shown above, Colony had two (2) years and multiple opportunities to produce to Plaintiff all the exculpatory evidence it wanted.

201. There were numerous emails with Colony's legal counsel regarding the documents and evidence Colony had so it was not a minor issue in the matter that was innocently overlooked or forgotten about.

202. In fact, Colony admitted through their legal counsel that the only evidence they could find was a few screenshots of the online Tillman/Loftus accounts:

Attached are all the documents Country Door could find regarding this incident and its aftermath.

(Email Admission of ALL Evidence Found by Colony on February 6, 2024)

203. If a single piece of evidence existed to refute these allegations in this Complaint, then without question, Colony would have produced it long ago as they had every opportunity to produce it.

204. As such, any “new documents” now produced by Colony, or any other individual related to this matter, as a result of this lawsuit are obviously fraudulent, fabricated and are part of the ongoing civil conspiracy by Colony and these Defendants to avoid liability at all costs for their misconduct regarding Lynda Tillman.

205. The only “evidence” Colony has produced after nearly three (3) full years since this whole matter started were a few limited computer screenshots that showed this was “NOT FRAUD” and half a dozen recorded phone calls of Kathy Loftus mad as a hornet telling Colony she was going to the police to have Lynda arrested and multiple calls of Lynda begging and pleading for help so she did not go to prison for fifteen (15) years.

206. These responses, or lack thereof, show a clear and obvious consciousness of guilt on the part of Colony and the Management Defendants.

207. Clearly these Management Defendants gave the following instructions: completely ignore Lynda Tillman’s pleas for help, let her go to prison for this, do not admit any fault on Colony’s part, deny everything, do not produce anything to her and if she tries to sue us for this, then assert that all her claims are subject to a small arbitration clause she did not even see when she bought those wicker baskets, and finally, if she owes us any money, put collections on her.

208. As shown above, Colony admits all of its policies and procedures were followed.

209. It is asserted those were the Management Defendants’ explicit orders for Colony because as outrageous as they are, that is exactly what Colony did, and did it over and over and over again.

210. On December 15, 2021, after Colony had clearly and unequivocally been put on notice with actual knowledge that one of their customers was facing fifteen (15) years in prison due to their own malfeasance, a supervisor at Colony stated and promised she was going to put all the “*higher-ups*” “*up in Monroe*” (Colony’s Corporate Headquarters are in Monroe, WI) on this

matter and that someone with authority from Colony would call Lynda back “today” (**December 15, 2021**).

211. Despite knowing that Lynda was “*sick over this*” and “*losing sleep*” over this and despite Colony’s numerous promises to call Lynda back, Colony did not call Lynda back.

212. They totally ignored her.

213. On **December 16, 2021**, Colony did not call Lynda back as promised.

214. On **December 17, 2021**, Colony did not call Lynda back as promised.

215. On **December 18, 2021**, Colony did not call Lynda back as promised.

216. On **December 19, 2021**, Colony did not call Lynda back as promised.

217. On **December 20, 2021**, Colony did not call Lynda back as promised.

218. On **December 21, 2021**, Colony did not call Lynda back as promised.

219. On **December 22, 2021**, Colony did not call Lynda back as promised.

220. On **December 23, 2021**, Colony did not call Lynda back as promised.

221. On **December 24, 2021**, Colony did not call Lynda back as promised, and Lynda had to spend **Christmas Eve** worried sick over facing fifteen (15) years in prison.

222. On **December 25, 2021**, Colony did not call Lynda back as promised, and Lynda had to spend **Christmas Day** worried sick over facing fifteen (15) years in prison.

223. Lynda could not spend **Christmas Day** with her family in Pennsylvania due to the fact that her bond restrictions would not allow her to leave the State of South Carolina.

224. On **December 26, 2021**, Colony did not call Lynda back as promised.

225. On **December 27, 2021**, Colony did not call Lynda back as promised.

226. On **December 28, 2021**, Colony did not call Lynda back as promised.

227. On **December 29, 2021**, Colony did not call Lynda back as promised.

228. On **December 30, 2021**, Colony did not call Lynda back as promised.

229. On **December 31, 2021**, Colony did not call Lynda back as promised, and Lynda had to spend **New Year's Eve** worried sick over facing fifteen (15) years in prison.

230. On **January 1, 2022**, Colony did not call Lynda back as promised, and Lynda had to spend **New Year's Day** worried sick over facing fifteen (15) years in prison.

231. On **January 2, 2022**, Colony did not call Lynda back as promised.

232. On **January 3, 2022**, Colony did not call Lynda back as promised.

233. On **January 4, 2022**, Colony did not call Lynda back as promised.

234. On **January 5, 2022**, Colony did not call Lynda back as promised.

235. On **January 6, 2022**, Colony finally called Lynda back...**to collect \$75 from Lynda.**

236. Once again, Colony's sheer callousness with respect to its innocent customer, Lynda Tillman, who was facing fifteen (15) years in prison due to Colony's malfeasance cannot be overstated.

237. Certainly, Colony's actions came from the very top (Management Defendants) and are shown verbatim below to support Plaintiff's allegations of some of the most egregious corporate misconduct:

Colony: Hi, I'd like to speak with Lynda - - -

Lynda: This is.

Colony: I'm calling you from Country Door. My name is Agenet. Your account with us is due a payment for \$75. Would you be able to - - -

Lynda: If you look in my account, there's an issue going on, and I am not going to pay my bill until this issue is rectified.

Colony: I'm so sorry about that and - - -

Lynda: Honestly, given the mistake Country Door has made, I shouldn't have to pay for this item to begin with.

Colony: So just give me a moment here and let me take a look to see what is happening.

Lynda: What is happening is I'm facing two felony charges due to your company.

Colony: I'm sorry to hear that. So, she did not place the order is what you're saying is what the issue is?

Lynda: No. What is happening is somehow Country Door, when I ordered this item, placed it on another customer's account which in turn caused this customer to file credit card and identity theft charges against me.

Colony: Okay. Just give me a moment.

Lynda: Did I order the item? Yes. Is it my account? Yes. But Country Door made a very, very big error.

Colony: Excuse me a brief moment. Is it possible I can place you on a brief hold?

Lynda: Sure.

Colony: Thank you so much for being patient and holding the line. I do apologize about the wait.

Lynda: You're okay.

Colony: I went ahead and I spoke with our team lead on this to see what we can get done for you. So I was advised that the information has been corrected so it is no longer showing up on the incorrect person's account. It was a misunderstanding, and you can ask the Sheriff's Department to contact us to verify this, to have those charges dropped against you.

Lynda: I've tried contacting the Sheriff's Department. They have not called me back. I don't understand why your company cannot contact them.

Colony: I will have to pass that on to my supervisor to see if they can do that for you. That is not a guarantee that it will be done, but I will have the information submitted for you.

Lynda: Okay. And what, like, do you understand my frustration? You're calling me for a payment for a product which I understand I have to pay for, but I sat in jail for 10 hours over Country Door's error. I had to pay \$7,000 for an attorney.

Colony: I do understand your frustration.

Lynda: So I'm going to be quite honest with you, I don't have \$75 yet like right now. I just had to pay \$7,000 for an attorney because of this.

Colony: I understand, and I'll put a note on the account for you. Again, I'll pass this information on to my supervisor.

Lynda: Okay, and they don't even know what Sheriff's Department to call. Somebody within your company, whether it be a CEO, somebody needs to contact the Sheriff's Department and get this cleared up for me. **I mean this is a nightmare. I couldn't even go be with my family on Christmas because I'm out on bond for something I did not do.** (emphasis added)

Colony: I understand and I'm so sorry for the inconvenience caused.

Lynda: Is there a number if I can get in contact with someone from the Sheriff's Department, is there a number I can give them to call somebody?

Colony: You can have them call us at 877-995-9774.

Lynda: Okay. Thank you. Bye-bye.

Colony: Bye-bye.

238. To Colony, being wrongfully arrested and tossed into a cold hard jail cell for ten (10) hours for something Colony did is an... *"inconvenience"*.

239. Lynda Tillman had to spend Christmas and New Year's away from her family in total fear and fright so as to not violate the terms of her criminal bond all because Colony could not be bothered to make one simple phone call to the Sheriff's Department and Colony had the audacity to call this nightmare a mere *"inconvenience"*.

240. It would be absurd to think it was too difficult for a huge corporation like Colony to make a two-minute phone call to law enforcement and get their innocent customer out of the nightmarish criminal dumpster fire they caused.

241. At this point with Colony having this much information about the situation, this many supervisors, managers, higher-ups, persons with real authority and the people *"up in Monroe"* and not making a simple call, the only logical conclusion is that Colony was following direct orders from the very top: the Management Defendants.

242. The Management Defendants ordered their people to stand down and that is exactly what they did.

243. That is also why they had no evidence to produce because Colony and the Management Defendants did nothing other than to make a few phone calls and instruct their employees to let Lynda Tillman hang in the wind.

244. It was by design that these Defendants only made phone calls regarding this matter so there would be no incriminating evidence to have to produce.

245. Management Defendants and Colony were, for all intents and purposes, making sure these felony criminal charges were continuing to move forward against Lynda as that would be the most effective way to cover up their malfeasance and avoid costing them a lot of money.

246. On **January 6, 2022**, with another telephone contact where Lynda begged and pleaded with Colony to please do something about her criminal charges, including asking the CEO (Robert Erb) to do something, all Colony would do is to say no action on their part would be “*guaranteed*”. (**Colony on January 6, 2022**: “*I will have to pass that on to my supervisor to see if they can do that for you. That is not a guarantee that it will be done, but I will have the information submitted for you.*”) (emphasis added)

247. With a very mild promise, but certainly nothing guaranteed, Colony says they will “*see what they can do.*”

248. On **January 7, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

249. On **January 8, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

250. On **January 9, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

251. On **January 10, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

252. On **January 11, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

253. On **January 12, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

254. On **January 13, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

255. On **January 14, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly and endure this nightmare for another day, facing fifteen (15) years in prison.

256. On **January 15, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

257. On **January 16, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

258. On **January 17, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

259. On **January 18, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

260. On **January 19, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

261. On **January 20, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

262. On **January 21, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

263. On **January 22, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

264. On **January 23, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

265. On **January 24, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

266. On **January 25, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

267. On **January 26, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

268. On **January 27, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

269. On **January 28, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

270. On **January 29, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

271. On **January 30, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

272. On **January 31, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

273. On **February 1, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

274. On **February 2, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

275. On **February 3, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

276. On **February 4, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

277. On **February 5, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

278. On **February 6, 2022**, Colony does absolutely nothing and makes Lynda lose sleep, suffer emotionally greatly, and endure this nightmare for another day, facing fifteen (15) years in prison.

279. On **February 7, 2022**, a full month since Lynda last spoke with Colony and begged them to get the CEO of Colony (Robert Erb) involved so she could get some relief and Colony has done nothing.

280. For all intents and purposes, Colony has been maliciously prosecuting Lynda all this time for two serious felony crimes.

281. Once again, Lynda has to call Colony and beg yet again to get them to stop this prosecution.

282. And once again, per the orders of Robert Erb and the Management Defendants, Colony plays “dumb” and gives off the appearance that they have no idea why Lynda is even calling...**even at this point!**

283. And even yet again, the actions, or rather inactions, of Colony and its management are so brazen and callous that the conversation of this phone call on **February 7, 2022** must be included verbatim:

Colony: Hi, this is Portia. How may I help you?

Lynda: I'm sorry, your name?

Colony: My name is Portia.

Lynda: Hi, Portia. I'm looking to speak with somebody in your legal department.

Colony: Okay, and may I ask what it's regarding?

Lynda: Sure, it's regarding two felony charges that is being pressed against me for an error on Country Door's part. I've spoken to many, many people, and I am not getting any results so I need to speak to somebody.

Colony: Okay, no problem. Do you have an account number or any information like that? Did you used to have an account with us?

Lynda: I do have an account with you, yes.

Colony: Okay and do you happen to have that account number?

Lynda: I do not, not in front of me no, ma 'am.

Colony: Okay so just a moment here let me try to locate something for you that way can have it pulled here, and can I get your name?

Lynda: Lynda Tillman.

Colony: And that was Lynda Tillman, T-I -L-L -M -A -N?

Lynda: T -I -L-L -M -A -N. Linda with a Y.

Colony: Okay, and a zip code.

Lynda: 29212.

Colony: Okay, and Ms. Lynda, could I please have you verify your, the address that's now?

Lynda: Yes, xxxx North Lake Drive, Apartment xxxx, Columbia, South Carolina.

Colony: Thank you, and a good telephone number for you.

Lynda: xxx-xxx-xxxx.

Colony: Thank you for that. Okay, and you said this is regarding some charges that were filed against you, am I correct?

Lynda: Yes. Basically what happened was somehow when I placed my initial order with Country Door, they intertwined my account with the previous resident's account where I live. Apparently, she had a Country Door account as well. And she proceeded - - I spoke with a gentleman, I cannot remember his name for the life of me. He was very helpful, but I've been told for about a month now that Country Door was going to contact the Lexington County Sheriff's Department and have these charges dropped against me. That has not been done so you have to understand my frustration. Anyhow, somehow her account, my account got intertwined. Country Door alerted her that I was making fraudulent purchases on her account, but then they saw that that was not accurate, and they separated the accounts. Ms. Loftus, that was the previous resident here, proceeded to file felony charges against me for identity theft and use of her credit card with Country Door although - - So I spent 10 hours in jail. I have two felony charges against me. I had to spend \$7,000 on a lawyer. I need somebody today to get in contact with the detective and get these charges against me dropped.

Colony: Okay. I am so sorry about that that seems like a lot, it seems devastating, I can't even imagine. So just give me one moment while I try to find the best person for you to speak to about this, okay?

Lynda: But, you know, whoever I spoke to prior to you getting on the phone said the same thing, and I have been on hold for like 30 minutes.

Colony: Right, and I apologize about it. I'm going to call a supervisor actually to inquire about this.

Lynda: I can't speak to somebody in your legal department?

Colony: So I have no (INAUDIBLE) get to a legal department. The best I can do is speak to my supervisor and maybe they can direct you from there, but I don't have access (INAUDIBLE) our legal department is, unfortunately.

Lynda: Okay, you don't know who your CEO is, who's in charge of Country Door, like somebody really needs to rectify this today. This is about the twentieth call I've made to Country Door trying to get this fixed.

Colony: Yeah, I apologize. So if you don't mind, I'm just going to speak with my supervisor to see how we can assist you, okay? And maybe she has - - -

Lynda: Okay.

Colony: Okay, thank you. Thank you so much for holding. Ma'am, I just want to let you know I'm working to find the correct person for you to speak with so I didn't want you to think I forgot about you.

Lynda: All right. Thank you.

Colony: Okay. You're welcome. Just a moment.

Lynda: Sure.

Colony: Thank you so much for holding. I appreciate your patience. Okay. So one of the supervisors that I spoke with sent an email to one of the managers to give you a call back. I know that's not helpful enough for you because you've been going back through this, but I was told that it's nothing that she can do about it, the manager would have to look into this.

Lynda: Okay. I think I've already spoken to a manager. I just, I'm not understanding why nobody within your company will call and get this straightened out. I mean this was an error on y'all's part, and now I'm facing the the repercussions.

Colony: Right. And I would be highly upset - - -

Lynda: Highly upset is not the word. I, God, I'm 43 years old. I've never been in trouble, and I sat in jail for something I didn't do.

Colony: INAUDIBLE find some contact information. Let me see if there's anything.

Lynda: I mean, there's got to be somebody other than a manager that I can speak with.

Colony: Let's see here. Trying to find a corporate number possibly, but they don't even provide us with that number unfortunately.

Lynda: I originally - - - Is it Colony something or other? Would that be your corporate headquarters?

Colony: Colony Brands, yes that's ours.

Lynda: That's originally who I called and told them I didn't want to speak to customer service, but they transferred me to customer service anyway. So I will try calling them back.

Colony: Okay, I do truly apologize, but the email was sent out. I'm hoping someone would get to you as soon as possible.

Lynda: All right. Thank you.

Colony: You're welcome.

Lynda: Bye-bye.

284. It is utter nonsense that no one at Colony has the ability to get poor Lynda to Colony's "legal department," and it is an unadulterated and insulting lie, a lie that the Management Defendants instructed their employees to make so as to run interference of Lynda getting to an attorney at Colony who could fix this mess.

285. Yet, again, Colony and the Management Defendants did nothing and effectively prosecuted Lynda, even now into mid-February 2022.

286. The only problem now for Colony was that Lynda had just hired Attorney Jack Swerling, one of the most prominent attorneys in the State who is well-known around the county for his work on many high-profile criminal cases.

287. Jack Swerling is also one of the most expensive attorneys in the State, and deservedly so, as on or about **February 16, 2022**, Attorney Swerling was able to get these felony charges dismissed for Lynda.

288. Even though the charges were in the middle of being dropped, Robert Erb and his Management co-Defendants' conspiratorial attempts to cover up this outrageous misconduct did not end.

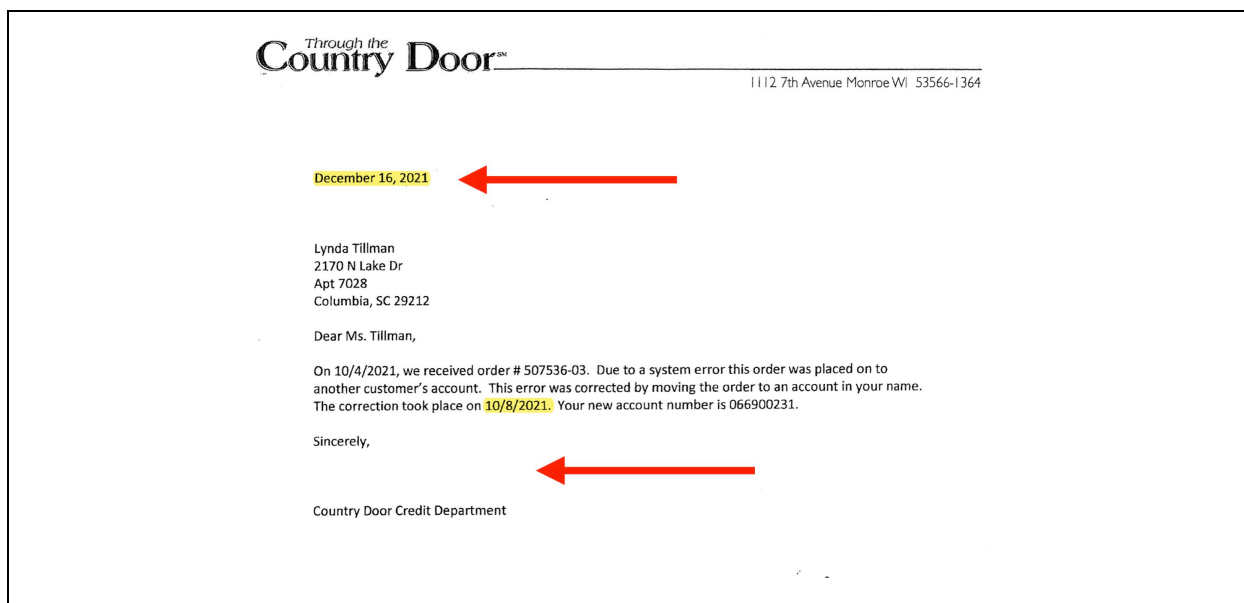
289. Defendant Erb and Colony's Management Defendants knew their collective 'goose was cooked' with very competent legal counsel now involved on Lynda's behalf.

290. If anyone found out that these Defendants had been covering this up for months and essentially prosecuting an innocent person for months, they were facing millions of dollars in potential liability.

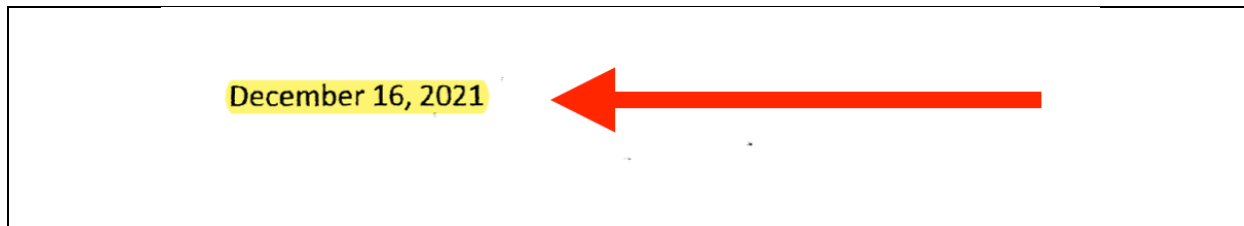
291. As such, the Management Defendants had someone **back-date** a letter in the middle of February 2022 to make it look like they had cleared this matter up months ago back in December 2021.

292. Yes, in the middle of **FEBRUARY 2022**, these conspiratorial Management Defendants had someone at Colony fraudulently back-date an official “Country Door Letter” to **December 16, 2021**, to make it look like they had been the “good guys” all along and had this matter resolved months ago.

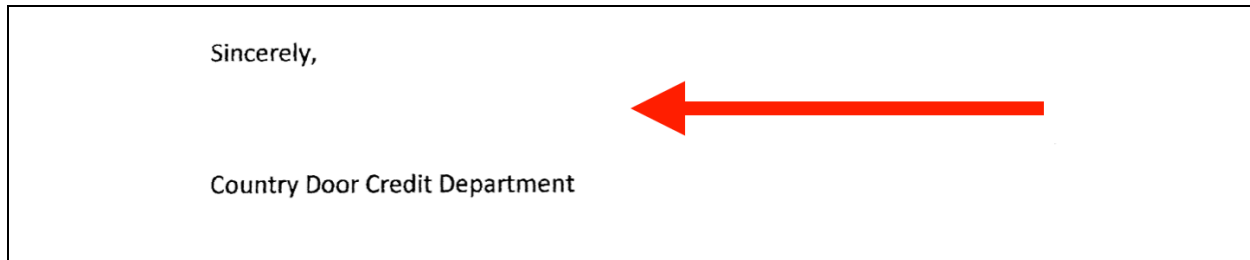
293. Here is the fraudulently back-dated letter:



294. Here is the fraudulently made date in **mid-February 2022**:



295. Here is the blank, unsigned signature line with no name or any other type of identifier so no one would know exactly who fraudulently fabricated this letter and hold them accountable:



296. To not sign or identify who wrote a letter with such significance and importance is simply absurd...unless of course you are trying to cover it up and hide the identity of the wrongdoers.

297. Theoretically, this letter would be used as evidence for law enforcement to drop two serious felony charges.

298. No reasonable person would ever think law enforcement would just drop two felony charges because someone gave them an unsigned and unidentified letter.

299. It is an utterly ridiculous letter and a feeble attempt by these Defendants to cover this mess up.

300. You need a signature, a name and contact information.

301. Whoever wrote this letter did not even put a telephone number in it so the police could call and verify the author and their authority with the “victim” of the crime.

302. Of course, that was exactly Colony’s intent: hide the ball again.

303. To this day, no one from Colony has ever called, written or in any way attempted to contact Lynda to apologize or otherwise show any remorse for Colony’s outrageous conduct.

The Loftuses

304. While the conduct of the “Colony Defendants” was outrageous, so was the conduct of Kevin and Kathy Loftus.

305. The only “offense” that the Loftuses suffered was they got an email saying a wicker basket storage unit was being delivered.

306. No money was taken out of their bank account, nothing was charged to their credit card and they had countless reassurances that everything was just fine.

307. The people who knew everything that happened, Colony, had reassured them with the following statements on Kathy Loftus’ first **October 5, 2021** phone call with Brianna from Colony:

BR: I know, I promise though we’ll take care of you and we’ll make sure that this does not happen again. And hopefully you, these items, we caught them and they will not be going out.

BR: Yes. And don’t worry because I promise we will get this everything cleared and out of her name and we’ll get everything put back into your name for you. Okay?

KL: Perfect. Thank you so much, I appreciate it.

BR: You’re welcome. You have a wonderful day, Ms. Loftus.

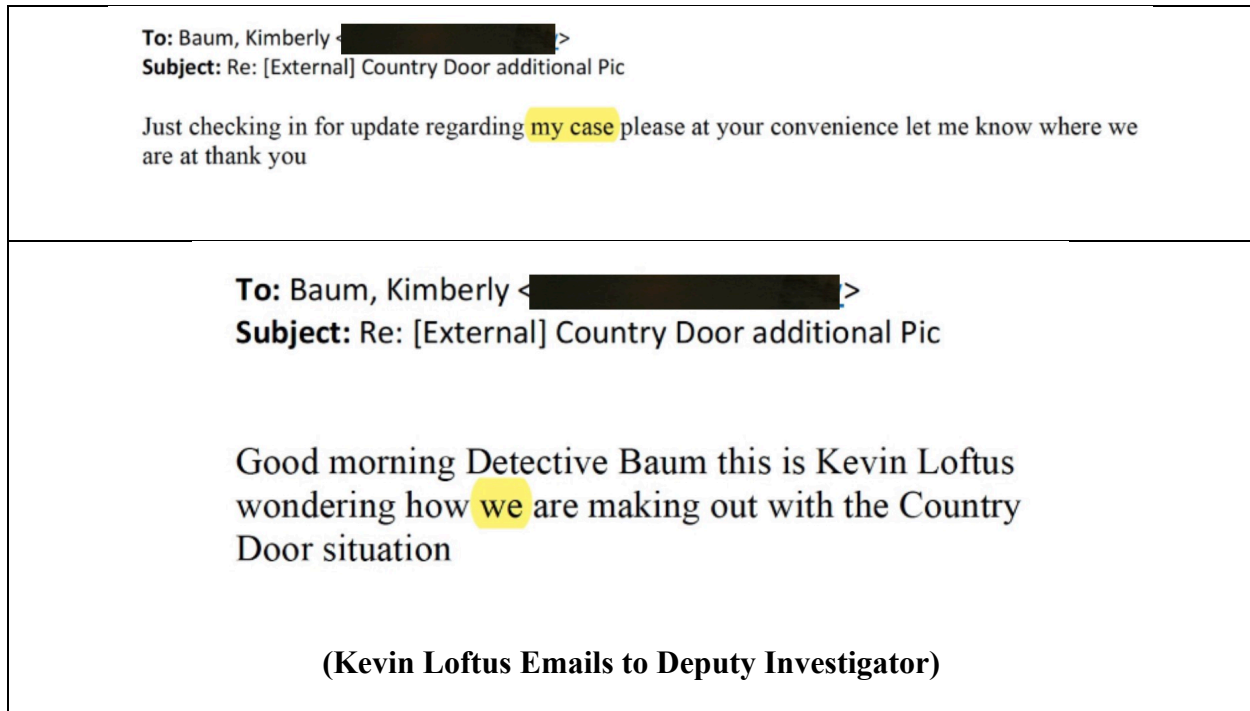
(October 5, 2021, Phone Call from Kathy Loftus to Colony)

308. There was no reason for the Loftuses to run to the police and file felony charges against anyone, and certainly not Lynda Tillman.

309. However, the Loftuses just wanted to see someone arrested and be involved in the “excitement”, even though they had suffered no harm other than the time it took to make a simple phone call to Colony.

310. The Loftuses had spoken to the police, made their claim against Lynda Tillman and the accounts at Colony had been rectified, but that was not enough for the Loftuses.

311. They wanted to see someone get arrested and even contacted law enforcement multiple times wanting to see how “*their*” case (written as: “*my*”) was going:



312. Any criminal case there may have been against Lynda Tillman was not “*their*” case, to the extent there was any case, it belonged to the State of South Carolina.

313. As a direct and proximate result of all of the Defendants’ acts and/or omissions, both jointly and severally, the Plaintiff has suffered irreparable harm and damage as has been outlined above and below in this Complaint.

Colony’s Corrupt Corporate Culture Designed & Promoted by Management Defendants

314. For Colony to take such extreme actions regarding what originally was an account integrity violation might seem a bit surprising, but a complete lack of account security, lack of customer service and big problems that arise from these deficiencies is nothing new for Colony.

315. The Better Business Bureau’s website for businesses in Monroe, WI, clearly shows that “fraudulent charges”, ignoring customer complaints, refusing to investigate serious problems with account integrity and maybe the worst of all, telling aggrieved customers to just go file

charges or complaints with the authorities and let someone else sort it out, seems to be the rule rather than the exception with these Colony Defendants:

	<div data-bbox="397 373 467 443"></div> <div data-bbox="480 375 548 401">Rick B</div> <div data-bbox="480 409 607 436">★☆☆☆☆</div> <div data-bbox="1112 413 1219 436">08/02/2024</div> <p>I received a canaster of chocolates I did not order. I was billed \$17. I pitched the chocolates, I am type 1 diabetic. I continued receiving bills. I called multiple times being put into an endless automated phone system. The bill went to \$30, then \$54. Threats of reporting to credit bureau were received. I call every number I can find in the mailings they send with threats. I think 3 different numbers, and they are all endless automated loops. Called BBB a got a number for Swiss Colony. After holding for awhile a person answered. I was ask for every identifier they could ask to identify me. Name, address, zip, phone, email, Last 4 of SS#. Found they had a hot mail email for me. I have never had a hot mail account. The call ended with instructions to me to file a report to the Federal Trade Commission, then mail the report to them. My reply, I have spent too much time contacting them for a fraudulent order. Contacted BBB just to get a number talking to someone. I am done wasting time on an order I never made. I will follow up with my credit monitoring company, and take more action if my credit report is impacted. I did a web search to see if others are having the same problem, more time. Well, 1.14 out of 5 rating. Many reports of people getting bills for items they did not order. This company has changed names 3 times. Assuming to run from there bad company operation. As I left the call with the company, my last statement was, I spent enough time, if I get a negative credit report, the time I will spend will be filing a BBB complaint, and let them spend some time. It is no wonder they are in bad shape. Wasting time and money billing for orders customers did not make. Maybe spend money and time improving the order process. My opinion, 1.14 out of 5 may be a little high. Maybe there should be a review to consider shutting them down. I am interested on how many credit reports hurt people, and how much time they have wasted</p> <div data-bbox="397 940 448 987"></div> <div data-bbox="394 999 672 1024">Colony Brands, Inc. Response</div> <div data-bbox="1112 1001 1219 1024">08/05/2024</div> <p>We have closed this account due to fraud; we have notified the credit bureaus to delete any reference to this account and mailed you a letter for your records. We apologize for the inconvenience this has caused. Thank you.</p>	
	<div data-bbox="337 1209 415 1283"></div> <div data-bbox="430 1211 558 1241">Douglas M</div> <div data-bbox="430 1249 573 1276">★☆☆☆☆</div> <div data-bbox="1157 1253 1278 1278">07/26/2024</div> <p>The Company will not send me my order because I have a balance that never exists and items never received. I should be treated as a customer not a criminal why should I pay for something I never received in the beginning then after that they wouldn't send me my real order I was going to pay for. Montgomery Ward is saying I have a balance but I never ordered or received it and I have complained about this for a year I want this cleared up so I can order the products I want without a hassle.</p> <div data-bbox="337 1465 391 1520"></div> <div data-bbox="332 1533 651 1562">Colony Brands, Inc. Response</div> <div data-bbox="1157 1535 1278 1560">07/29/2024</div> <p>Please contact our ***** at ***** so that we can look into this further for you. Thank you.</p>	



George L



07/25/2024

This scam/fraud company starting sending me billing statements out of the blue then placed it on my credit report. This company is a scam. Sent in fraud alerts o. My credit because of this company. #trash



Colony Brands, Inc. Response

07/26/2024

Please reach out to our ***** at ***** for assistance with this matter. We apologize for the inconvenience. Thank you.



Wanda L



02/16/2024

My husband had stroke, finally paid off and they agree but still say and reported to bureas 161.00 and 52.00 we all agree I paid in full but they wont send letter saying paid in full. I have been begging them since March 23 or 24, 2023



Colony Brands, Inc. Response

02/19/2024

Our records indicate that you have been in contact with our credit department regarding this matter. Please contact them directly with any further questions at ***** . Thank you.



Susan B G



01/10/2024

Colony Brands DBA 7th Ave & Montgomery Wards has been allowing a person with a similar name to place orders. 3 females in my home town have the same name, me & 2 others. We have different ss#'s, different addresses, different middle initials and we are of different ages. It started in Dec of 2022 and I finally got it resolved. In Nov and Dec 2023 I began receiving emails about my purchases and asking me to do surveys about my purchasesnot me. 12/14/2023 I called 7th Ave, and was advised by a CSR to file a fraud report with the US Government. I did that and then called Colony Brands Fraud Department. The person I spoke to, promised to fix the issues and would send me paperwork regarding the issues. No paperwork received. 01/06/2024 another email came asking me to rate my toy purchases from Montgomery Wards. 01/08/2024 I again called Colony Brands Fraud Department, spoke to a different agent, again a promise the issue would be fixed and paperwork regarding the issue would be sent. Meanwhile payments to the 7th Avenue & Montgomery Wards accounts either aren't being paid on time or at all, causing my credit score to sink toward the sewer. I have filed disputes with 3 credit reporting companies about Colony Brands companies are not my accounts. I also had problems with Colony Brands DBA Swiss Colony and Ginny's, accounts I did open. When they monkeyed with my accounts, opening double accounts, I closed down Swiss Colony and am having a problem closing down Ginny's. Colony Brands 2 companies I did have accounts with were wonderful until I had accounting problems with them. Another thing I did not like about Colony Brands were the catalogs, they would have a cardboard insert in the front of the catalog with my name, credit limit and part of my account numbergreat for scammers. I hope to have the greedy Colony Brands out of my life and my credit score brought up to date. My final step is placing a complaint with the Wisconsin Better Business Bureau.

**Colony Brands, Inc. Response**

01/11/2024

We have forwarded this review to the correct departments to investigate further. If we can be of further assistance, please reach out to us at ***** We apologize for the inconvenience. Thank you.



Lisa H



08/22/2023

I have done business with Montgomery Ward a couple of times; always making my payments on time and paying my balances in full without default. Recently, I made a payment to Montgomery Ward and they continued to show that I am past due. I contacted their customer service and spoke with Angela on August 18, 2023. Angela informed me that I had to go to my bank and get proof that my payment was made to them and cleared my bank because they showed the payment was rejected by my bank. This proof had to be faxed. I went to my bank-First State Community Bank-and told a bank officer what I needed. The bank officers printed out both the ledger showing the payment cleared the bank on August 14, 2023, as well as the details of the payment. The bank officer faxed the two forms to the number provided by Angela and provided me with a copy of both as well as a fax receipt that the forms had been successfully faxed. I waited several hours before calling Montgomery Wards' customer service again. This time I spoke with Tamara. Tamara informed me it would take 24 hours for any review of the forms and that Montgomery Ward did not have weekend customer service. I reached out on Monday and received a social media PM-but no resolution to the error on my account. Today is Tuesday and there is still no resolution to the error on my account. This company has extremely poor customer service. Not only is the customer service lacking, but they are falsely reporting unpaid payments and failing to rectify the error in a timely manner.

**Colony Brands, Inc. Response**

08/23/2023

Our records indicate that you have been working with our credit department in regard to this matter. If you need additional information or assistance, please reach out at ***** Thank you.



Kay M



07/21/2023

This company has an A plus rating because consumers are leaving reviews instead of actual complaints. This company messed up my credit score with their deceptive practices. Their merchandise is no good. I cant believe they are allowed to scam consumers in this manner. This is so unfair. Do not purchase anything from them. I was almost done paying them and they advised me in March that I was all paid up and then reported me to the credit bureau and assessed a bunch of bogus fees that they had to remove. Investigate, audit, and report them to attorney general.



Lorie B.



01/22/2023

I wrote this review on Country doors website after having a terrible experience with them Taking advantage of my elderly mother and they would not post it and my review got rejected by County Door! Country Door is FRAUD TERRIBLE Customer Service!!!!My elderly mother received an invoice from this terrible company called Country Door and was charged. She did NOT order anything! When we called Country Door, they would NOT credit her account and they confirmed that someone ordered this order online and charged her account! I explained to customer service that she did NOT order nor has internet to order! BEWARE as this company will charge your account FRAUDULENTLY when someone else from the internet and there is NO resolution and we spend hours on the phone with Country Door and they would NOT credit my moms account! WOW!!! RUN far away and do NOT use this company!#BBB



Steve B.



12/04/2022

I had my account downtown 17.76 and all of a sudden without explanation they added 100 to my account then fees raising it to 134.76 I called them and they told me that I requested to add the money onto my account and told them I've never talked to them before so then they said it's a charge from my debt card but my bank doesn't charge any fees then they told me it's from a declined payment but for one thing I never made a payment at that time November 03 2022 so this is a false charge on my account by country door and I filled dispute with credit bureau and showed them there's no declined transactions for country door all the way back to September so they are charging me a false fee and needs to be removed



Al M



11/02/2022

If I could give this no stars, I would. This business is a scam! Just received a bill for over 130\$ for an item that I didn't purchase. According to the customer service rep I've purchased cologne and gifted to someone to an unknown address! They said I physically accepted it when I was not even home that week. They didn't even bother to background check or take payment from said person. They just billed me. I live nowhere where that store it physically nor have I ever heard of them to shop online. And now I have to file a fraud claim and hope for the best or get my attorney involved and file charges!



Karel J



08/13/2022

I have been receiving a statement from them for about 6 months for \$109 & now up to \$ ***** for perfume I never ordered or never heard of the store. I called ***** said they sent it to ***** but they are sending me the ***** & say they are turning it over to collection. What do I do to get this resolved. I never heard of them.



Amanda O



08/04/2022

This company is reporting a random persons information on my credit report even though the social security number & last name doesnt match. Theyre refusing to properly verify the account information against my report and want me to file an Identity theft report and send it to them even though this isnt identity theft, its an error matching credit reports. Our first names are the same but thats it. The lady I spoke with wouldnt even attempt to verify anything or try to help me just kept insisting I file the report and send a copy. The credit bureaus can see that its not my information so its been disputed several times but they keep adding it back claiming its correct when its clearly not.



Vicki R



07/30/2022

I sent a check for the full amount of my order. Country Door processed my check for less than the amount for which it was written for (however the check was processed by their bank for the full amount). At that same time, Country Door Credit opened a line of credit in my name without my consent for the difference between the amounts for which the check was written and for which they processed it. When I timely notified them of both of these matters, Country Door /Country Door Credit failed to respond and completely ignored the billings rights process under the Fair Credit Billing Act. Country Door then sent me a generic collection letter with a threat of negative credit reporting unless the balance was paid. My bank and my attorney both reached out to Country Door Credit in writing and neither received a response. Country Door Credit made a negative report me with the credit bureaus which I had to resolve by disputing it with the credit bureaus.



George L



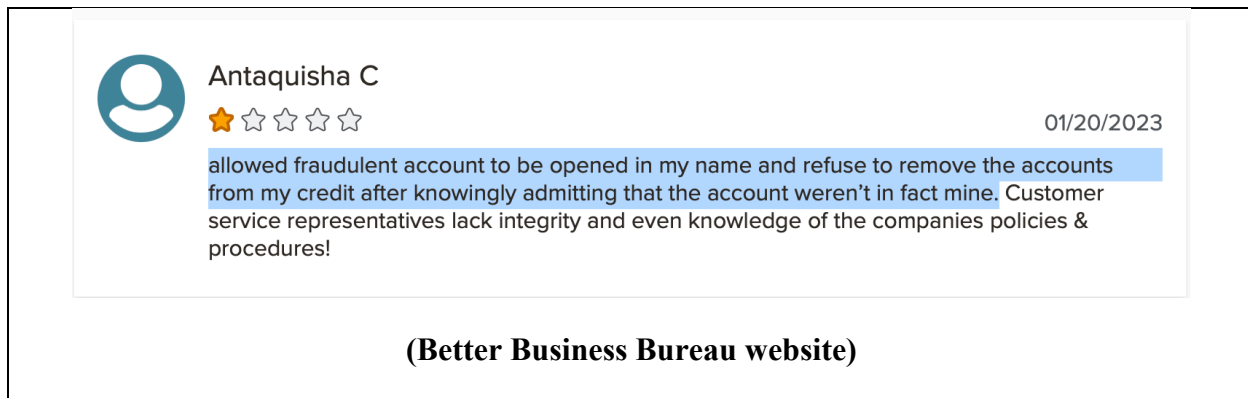
07/25/2024

This scam/fraud company starting sending me billing statements out of the blue then placed it on my credit report. This company is a scam. Sent in fraud alerts o. My credit because of this company. #trash

**Colony Brands, Inc. Response**

07/26/2024

Please reach out to our ***** at ***** for assistance with this matter. We apologize for the inconvenience. Thank you.



316. With a documented history such as this and with repeated reckless and outrageous customer service (Lynda's case) that causes an innocent customer to actually go to jail, it is a very big problem for these Defendants.

317. So, when these Colony Defendants can make a huge problem go away (as with Lynda's matter) by making the innocent customer take the hit for their malfeasance, Colony will do everything they can to make the problem just go away, even if it means an innocent person loses their freedom.

318. With a willing participant (the Loftuses) excited about seeing someone go to jail, these Colony Defendants were more than willing to do everything they could to make sure Lynda Tillman went to prison for their malfeasance.

319. If Lynda gets convicted and sent to prison, all of these Defendants' problems with the Loftus and Tillman accounts go away.

320. While these Defendants were able to either ignore, run interference, or otherwise continue with the prosecution when it was just Lynda calling, they were not able to shut down or run interference with an experienced attorney such as Jack Swerling.

**FOR A FIRST CAUSE OF ACTION
Intentional Infliction of Emotional Distress / Outrage
(As to All Defendants)**

321. That the Plaintiff realleges each and every allegation contained in all of the above paragraphs as if set forth herein verbatim.

322. By causing Lynda to be arrested and prosecuted, maliciously and otherwise, when these Defendants knew or should have known through even the slightest amount of care that Plaintiff did not illegally access and use the credit account of another customer, these Defendants intentionally or recklessly inflicted, and continue through today to inflict, severe emotional distress upon the Plaintiff, or were certain or substantially certain that such distress would result from their conduct.

323. The Defendants' conduct was, and continues to be, so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.

324. The emotional distress suffered by the Plaintiff was so severe that no reasonable person could be expected to endure it.

325. The actions of the Defendants were the direct and proximate cause of the Plaintiff's emotional distress and other damages.

326. As a result of these Defendants' acts and omissions, the Plaintiff has suffered a loss of friends, family and social acquaintances, severe emotional distress, mental anxiety and other harms and losses.

FOR A SECOND CAUSE OF ACTION
Defamation and Defamation *Per Se*, (Libel & Slander)
(As to All Defendants except Kevin Loftus and Kathy Loftus)

327. The Plaintiff realleges each and every allegation contained in all of the above paragraphs as if set forth herein verbatim.

328. The Defendants, as alleged above, made defamatory statements, both written and verbal, regarding Plaintiff, specifically that she illegally accessed and used the “credit account” of the “victim”, both explicitly or impliedly.

329. This occurred on numerous occasions between October 4, 2021, and December 10, 2021, as outlined throughout this Complaint.

330. These defamatory statements that Plaintiff committed a type of financial fraud were uttered by all Defendants and were uttered/published to numerous third parties, including the Loftuses.

331. Defendants knew or should have known that the allegations and/or implications contained in their statements were false.

332. These Defendants also knew these allegations were extremely harmful to the Plaintiff.

333. Despite this knowledge, the Defendants continued to publish or caused to be published these extremely defamatory statements regarding the Plaintiff.

334. This knowledge, combined with Defendants’ continued publishing, or causing to be published, of these defamatory statements, amounts to malice on the part of these Defendants.

335. The allegations and or implications published were false.

336. This continued and/or continual and repeated publication was made, or caused to be made, by the Defendants.

337. The statements were accusations of a crime and are, therefore, defamatory *per se*.

338. As a direct and proximate result of the acts and/or omissions of these Defendants, Plaintiff suffered damage.

FOR A THIRD CAUSE OF ACTION
Negligence, Gross Negligence & Recklessness
(As to All Defendants except Kevin Loftus and Kathy Loftus)

339. The Plaintiff realleges each and every allegation contained in all of the above paragraphs as if set forth herein verbatim.

340. The Defendants, and its employees and agents, when there is an account integrity violation, a cross-linking of accounts or other technical issues regarding customers' financial accounts and an error is brought to their attention, had a duty to:

- a) not make accusations of financial crimes without just cause or reasonable cause;
- b) not inflame the situation by calling one or more of the parties by derogatory terms;
- c) fully investigate the matter;
- d) reassure all of the parties involved and to tell them to remain calm and hold tight until they had completed their investigation;
- e) instruct the parties not to contact law enforcement until the completion of their investigation;
- f) upon learning that one or more of the involved parties had already contacted law enforcement, then to tell that party to tell law enforcement to hold off until they completed their investigation;
- g) not encourage any involved party to contact law enforcement until they have completed their investigation;
- h) contact each involved party with a personal communication (not some form letter or form email) and let them know they are conducting an investigation and will inform them of the results;
- i) contact law enforcement and tell law enforcement there was no crime when a customer actually tells them they have been arrested and they know there was no crime;
- j) to provide the customer with exculpatory documents when they are informed of an improper arrest as outlined above in the previous paragraph;
- k) not instruct employees or other persons to interfere with a customer who is asking repeatedly for help to clear her name after an improper arrest;
- l) actually assist a customer when they report such problem as Lynda did; and,
- m) in such other manners as may be learned during the discovery of this matter.

341. As a direct and proximate result of the Defendants' acts and/or omissions, Plaintiff suffered damage as has been clearly delineated throughout this Complaint.

**FOR A FOURTH CAUSE OF ACTION
False Imprisonment/Arrest
(As to All Defendants except Kevin Loftus and Kathy Loftus)**

342. That the Plaintiff realleges each and every allegation contained in all of the above paragraphs as if set forth herein verbatim.

343. By the direct and indirect result of the actions of the Defendants, they either restrained or caused to be restrained the Plaintiff by having her arrested through direct and/or implicit allegations, statements and actions.

344. The restraint was the result of the intentional actions of the Defendants as they all affirmatively asserted and/or implied that Plaintiff committed a financial fraud-type crime.

345. There was absolutely no probable cause or reasonable cause to have Plaintiff arrested/imprisoned as she simply did not do anything that even approached being illegal or improper.

346. The criminal charges against the Plaintiff were terminated in favor of the Plaintiff for reasons associated with innocence.

347. As a result of these Defendants' acts and omissions, the Plaintiff has suffered a loss of her freedom and other harms and losses as has been clearly delineated throughout this Complaint.

**FOR A FIFTH CAUSE OF ACTION
Malicious Prosecution
(As to All Defendants except Kevin Loftus and Kathy Loftus)**

348. That the Plaintiff realleges each and every allegation contained in all of the above paragraphs as if set forth herein verbatim.

349. Criminal proceedings were instituted against the Plaintiff by or at the instance of the Defendant by not only encouraging the Loftuses but also facilitating the Loftuses in making a criminal complaint against the Plaintiff.

350. The Defendants certainly continued the prosecution of the proceedings by failing to tell the Loftuses the true nature of the matter as well as preventing Plaintiff from “*obtaining the keys to her own jail cell*” by providing Lynda with the exculpating evidence or phone call to the police as she begged for numerous times, which of course was by the Defendants’ design and plan: to have Plaintiff go to prison and cover up their improper actions.

351. The termination of these criminal proceedings were in Plaintiff’s favor and associated with innocence.

352. The Defendants’ malice in instituting and continuing the proceedings has been fully laid out *ad nauseum* throughout this Complaint.

353. There was absolutely no probable cause or reasonable cause for the proceedings against Plaintiff.

354. As a result of these Defendants’ acts and omissions, the Plaintiff has suffered a loss of her freedom and other harms and losses as has been clearly delineated throughout this Complaint.

FOR A SIXTH CAUSE OF ACTION
South Carolina Unfair Trade Practices Act Violation – S.C. Code Sec. 35-9-10
(As to All Defendants except Kevin Loftus and Kathy Loftus)

355. That the Plaintiff realleges each and every allegation contained in all of the above paragraphs as if set forth herein verbatim.

356. Defendants conduct a substantial amount of trade and commerce in the State of South Carolina.

357. Defendants engaged in and conducted numerous unfair methods of competition and unfair or deceptive acts or practices in the conduct of this trade and commerce in the State of South Carolina as has been fully and in great detail laid out above.

358. As a direct and proximate result of these Defendants' acts and omissions, the Plaintiff has suffered a loss of her freedom and other harms and losses as has been clearly delineated throughout this Complaint.

**FOR A SEVENTH CAUSE OF ACTION
Civil Conspiracy
(As to All Defendants except Kevin Loftus and Kathy Loftus)**

359. That the Plaintiff realleges each and every allegation contained in all of the above paragraphs as if set forth herein verbatim.

360. Two or more of the Defendants identified above joined together by agreement to cover up, have arrested and convict Plaintiff in an attempt to cover up their original malfeasance so that they would not suffer a financial loss or injury to their respective careers or the financial losses/careers of others as well.

361. To instigate, facilitate and perpetuate in the arrest and continued prosecution of a person that you know is innocent and to cover up one's own malfeasance for financial gain are unlawful acts and at the very least, a lawful act by unlawful means.

362. The actions shown above were clearly overt acts done in furtherance of the agreement between two or more of the above-identified Defendants.

363. As a direct and proximate result of these Defendants' acts and omissions, the Plaintiff has suffered a loss of her freedom and other harms and losses as has been clearly delineated throughout this Complaint.

WHEREFORE, Plaintiff, requests a trial before a jury and respectfully prays for judgment against all Defendants for all actual damages, consequential damages, treble damages and punitive

damages against all Defendants as well as attorney's fees in an amount to be determined by a jury at the trial of this action and for such other and further relief as this Court deems just and proper.

MCGOWAN HOOD FELDER & PHILLIPS, LLC

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Rock Hill, South Carolina
November 13, 2024